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Report of the Working Group on the Universal Periodic Review*

Malawi

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	6
II.	Conclusions and/or recommendations	13
Annex		
	Composition of the delegation	27

Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of Malawi was held at the 3rd meeting, on 5 May 2015. The delegation of Malawi was headed by Honourable S. B. Tembenu. At its 10th meeting, held on 8 May 2015, the Working Group adopted the report on Malawi.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Malawi: Albania, Kazakhstan and Kenya.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Malawi:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/MWI/1);

(b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/MWI/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/MWI/3).

4. A list of questions prepared in advance by Kenya, Liechtenstein, Mexico, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Malawi through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation stated that Malawi had undergone two peaceful political transition processes. In April 2012, following the death of the country's third President, the Vice-President assumed the presidency. In May 2014, the first-ever tripartite elections were held, electing a fifth post-independence President, members of Parliament and local government councillors.

6. The general framework for human rights was guided by the Constitution, which also provided the institutional and enforcement framework, as well as limitations and restrictions and instances where derogation from rights was permissible. The Constitution also provided for principles of national policy and contained a bill of rights, which harmonized the domestic obligations of Malawi with the international human rights framework.

7. Several institutions, such as the Ministry of Justice, the Human Rights Commission, the Law Commission, the Office of the Ombudsman and the Prison Inspectorate, played significant roles in protecting human rights. The Ministry of Justice and the Human Rights Commission led the process of drafting a national human rights action plan, with support from the United Nations Development Programme. There were 105 human rights civil society organizations that complement government efforts on issues of human rights and democratic governance.

8. Malawi had endeavoured to clear the backlog of State party reports. In 2012, it submitted its initial report to the Human Rights Committee. In 2013, it submitted the initial report to the African Commission on the African Charter on Human and People's Rights and its Protocol on the Rights of Women in Africa. In 2014, it submitted the report on the Convention on the Elimination of all forms of discrimination against women. In 2015, it submitted its combined third, fourth and fifth periodic reports on the United Nations Convention on the Rights of the Child, its initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as its initial report to the African Union on the African Charter on the Rights and Welfare of the Child. Preparation of reports was ongoing in respect of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of Racial Discrimination.

9. Recommendations made by the Special Rapporteur on the right to food following his visit in July 2013, were being considered by the Government for implementation.

10. In 2012, the Disability Act was passed, providing for equal opportunities for persons with disabilities and the establishment of a disability trust fund. However, the fund had not yet been established. Following a situational analysis of children with disabilities in 2011, a national workplan on programmes for children with disabilities had been drawn up to strengthen coordination in developing and implementing programmes that promoted the rights of all children with disabilities.

11. Several steps had been taken to ensure that persons in detention were kept in humane and decent living conditions. Electric cooking pots had been procured for all prisons to ensure that inmates had access to their daily portions of cooked food. Human rights had been mainstreamed in the Malawi Prisons Service as a necessary measure to prohibit torture. Also, human rights education had been included in the basic training curriculum for prison staff. Social welfare officers had been appointed in all prisons. Human rights open days had been held in prisons during which awareness-raising programmes have been held for prisoners. Parole regulations had been formulated as a measure to reduce prison overcrowding. A register of prisoners had been developed to track prisoners' overstay.

12. Police officers had been trained to refrain from perpetrating torture and to ensure that the rights of suspects were respected. A professional standards unit had investigated all cases of torture, while efforts to establish the Police Complaints Commission were underway. Diversion guidelines, victim support unit guidelines and a child protection policy had been developed and the police training manual had been reviewed. The establishment of the "lay visitor's scheme" had also contributed to a reduction in human rights violations. The scheme consisted of local leaders, paralegals and women, all of whom were empowered to make unannounced visits to police cells and attend to complaints by detained suspects.

13. A building for the commercial division of the high court was under construction in Blantyre. Buildings for the magistrate courts had either been constructed or renovated in six districts. The intention was to have the judiciary staffed with 40 high court judges in the near future. There were currently 11 justices of appeal and 22 judges of the high court. Two justices of appeal and 10 judges of the high court had been appointed in the period between 2012 and 2014. In 2014, 57 third-grade magistrates had been appointed and deployed to rural areas.

14. The judiciary, in conjunction with the Directorate of Public Prosecutions, was installing a case-management system to increase efficiency in the handling of criminal-case files, thereby reducing the backlog of cases.

15. To ease the implementation of the Child Care, Protection and Justice Act of 2010, subsidiary legislation was being developed, as well as a cost implementation plan to facilitate resource mobilization and the actual implementation of the Act. The Act had been translated into local languages. A strategic plan had been developed for rehabilitating children living and working on the streets and reintegrating them into their communities and families.

16. A study on violence against children and young women conducted in 2014 had revealed that boys and girls were abused in homes and in schools. A national response plan had been launched.

17. In 2010, a case-management approach was launched. This approach had improved children's access to multiple services through better referrals and follow-up. Various programmes and policies for children had led to developments such as the essential package for early childhood development, the guidelines for caregivers in identifying and supporting children with special needs, the comprehensive training manual for early childhood development, which included issues of child and women's rights, and minimum standards for quality improvement in the delivery of services to orphans and other vulnerable children. The Government was developing guidelines for caregivers for the operation of "children corners" and one-stop centres in central and district hospitals, providing holistic services for victims of abuse.

18. The Government had undertaken initiatives to prevent child labour, which included ensuring family income security, identification of children below the minimum age and in hazardous work, rehabilitation of children to prevent them from going back to work, protection through risk management, awareness-raising campaigns, child labour inspections to identify the working children, advocacy for change of attitude on child labour, prosecutions of those responsible for child labour, commemoration of child labour open days, and setting up community child labour committees. The curriculum for primary education had a life-skills component that empowered children to protect themselves against violations of their rights.

19. To promote the rights of women and girls, the Deceased Estates (Wills, Inheritance and Protection) Act 2011, Gender Equality Act 2013, the Marriage, Divorce and Family Relations Act 2015 and the Trafficking in Persons Act 2015 had been enacted, and had been simplified and translated into two local languages.

20. The delegation provided detailed information on the second Malawi growth and development strategy, a medium-term plan for 2011–2016, with the objective of creating wealth and reducing poverty through sustainable economic growth and infrastructure development.

21. In December 2011, the national HIV and AIDS strategic plan, 2011–2016, was adopted. The Plan aimed at reducing new infections by 20 per cent, child infections by 30 per cent, child AIDS-related deaths by 50 per cent, adult infections by 15 per cent and adult AIDS-related deaths by 8 per cent.

22. The Government was committed to offering comprehensive sexual and reproductive health and rights services in tandem with international, regional and national policies. The delegation stated that there had been a decline of more than 50 per cent in child mortality.

B. Interactive dialogue and responses by the State under review

23. Seventy-four delegations made statements, the summaries of which appear below. Recommendations made during the dialogue can be found in section II of the present report.

24. Côte d'Ivoire noted the efforts made in the area of ratification of international human rights instruments such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010, and noted several policies for the protection of vulnerable persons, including a national plan of action for children, 2014–2018.

25. Cuba noted the important socioeconomic challenges faced by Malawi. It also noted efforts to improve human rights protection, highlighting the work of the Ombudsman, the Human Rights Commission and the Law Commission. It praised the Government's commitment to fighting HIV/AIDS.

26. The Democratic Republic of the Congo stated that additional efforts were still required to overcome certain traditional practices, to effectively contain the spread of HIV/AIDS, to achieve gender equality, to improve the protection of children and to ensure food security for the population.

27. Denmark welcomed the acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and noted that the Optional Protocol established a set of practical tools on how to prevent torture and ill-treatment. It highlighted that the Convention against Torture Initiative stood ready to assist Malawi on this issue.

28. Egypt commended Malawi on the constructive role played by various institutions in protecting human rights in Malawi. Egypt also encouraged Malawi to pursue its policies aimed at enhancing the empowerment of women in various socioeconomic fields, as well as combating the negative phenomenon of street children.

29. Ethiopia noted with satisfaction that Malawi was on track to achieve the Millennium Development Goals on combating HIV/AIDS, malaria and other diseases and reducing child mortality, as well as on tracking poverty. Ethiopia also commended Malawi on the launching of the 2012 agricultural-sector guidelines and the HIV/AIDS strategy for the period up to 2017.

30. Gabon encouraged Malawi to complete measures taken for women's rights, particularly ensuring the adoption by Parliament of the Marriage, Divorce and Family Relations Bill and better representation of women in Parliament and on governmental bodies.

31. Germany expressed its disappointment over the continued discrimination on the basis of sexual orientation and gender identity and the fact that there had been no reform of the legislation on refugees. Germany was also concerned about the situation in prisons and detention centres.

32. Ghana noted with satisfaction the passing of the Gender Equality Act; however, it shared the concerns raised by the United Nations country team regarding the rather slow review processes of certain policies and legislative instruments, particularly the witchcraft act.

33. The Holy See congratulated Malawi on the two peaceful political transition processes since the universal periodic review in 2010, especially on the first-ever tripartite elections in May 2014. It also commended Malawi on the adoption of the 2012 Disability Act.

34. Honduras encouraged Malawi to continue its institutional and democratic progress. It also encouraged Malawi to continue adopting the necessary measures to eliminate gender disparities in areas such as education, health and agriculture, and to implement as soon as possible the law on disabilities.

35. Iceland welcomed the adoption of the Marriage, Divorce and Family Relations Bill and commended Malawi on the adoption of the Gender Equality Act. It urged Malawi to repeal the provisions of the Criminal Code that criminalized consensual, adult same-sex conduct and to repeal other laws that discriminated against lesbian, gay, bisexual, transsexual and intersex persons.

36. Indonesia commended Malawi on advancing the rights of people through cooperation among institutions and undertaking legal reforms to harmonize international conventions into national legislations. Indonesia was also pleased to note the drafting of the trafficking in persons bill.

37. Italy welcomed the engagement of Malawi in combating harmful practices such as early and forced child marriage and female genital mutilation and encouraged Malawi to further engage with those issues.

38. Kenya encouraged Malawi to complete the drafting of a national human rights action plan and to continue to clear the backlog in the submission of overdue State party reports under the various human rights instruments.

39. Kuwait noted the implementation of projects in various fields and commitment to strengthening the economy through the second growth and development strategy. Kuwait also acknowledged the commitment to generating welfare, ensuring sustainable growth and strengthening infrastructure as a means of reducing poverty.

40. Libya noted the efforts made by Malawi to promote and protect the rights of the child through the national action plan to eliminate child labour and child marriage. Libya also appreciated the efforts to promote economic and social development, including the second growth and development strategy.

41. Luxembourg congratulated Malawi on the socioeconomic progress achieved and commended the country on the adoption of the second growth and development strategy. It noted, however, that inequality of gender still remained despite measures taken to promote the rights of women and to combat violence against them.

42. Madagascar was pleased with the adoption of the Disability Act, the Gender Equality Act and several laws relating to the promotion and protection of the rights of the child. Madagascar encouraged Malawi to continue these efforts in order to ensure the full enjoyment of human rights.

43. Mauritania noted the ratification of human rights instruments, as well as reforms to the legal framework to ensure that it was compatible with human rights norms. It stated that those actions were a testimony to the international and ethical commitment of Malawi to human rights.

44. Mauritius recalled that it had previously recommended that consideration be given to promoting and strengthening vocational education and training to reduce the high number of school dropouts. It thanked Malawi for accepting its recommendation and urged it to continue with such initiatives.

45. Mexico welcomed legislative efforts by Malawi, noting the enactment of legislation on children, gender equality and education, but also observed shortcomings in areas such as access to information and prisons. It also noted the country's efforts to present reports to treaty bodies.

46. Montenegro welcomed the adoption of the Gender Equality Act, which defined the term "discrimination against women" and prohibited "harmful practices". It asked Malawi to elaborate on the activities undertaken to enforce existing legislation prohibiting female genital mutilation.

47. Morocco commended the creation of the Office of the Ombudsman, the Human Rights Commission and the Law Commission. It also supported the national human rights action plan and a series of reforms for the establishment of a legislative and political environment appropriate for the development and enjoyment of human rights.

48. Namibia was pleased to note the initiatives regarding the road map on accelerated reduction of maternal and neonatal deaths and the national sexual reproductive health and rights strategy, the passing of the Gender Equality Act of 2013 and the adoption of the Disability Act in 2012.

49. Nepal commended Malawi on its adoption of the Disability Act in 2012 and the Gender Equality Act in 2013, seeing the Gender Equality Act as an important step towards protecting women from harmful traditional practices and other discrimination.

50. The Netherlands welcomed the passing of the Marriage, Divorce and Family Relations Act, while noting, however, that this law also contained several discriminatory provisions that stigmatized lesbian, gay, bisexual and transsexual people and hampered the fight against HIV/AIDS.

51. The delegation of Malawi stated that the Marriage, Divorce and Family Relations Act had been passed in 2015 and was expected to be operational soon. Regarding the apparent inconsistency in the age of marriage between the Act and the Constitution, the delegation pointed out that the Act provided for marriageable age to be 18 years. Section 22 (6) of the Constitution provided that persons between the ages of 15 and 18 years could marry only with the consent of their parents. The Constitution also provided that anyone above the age of 18 would not be prevented from entering into a marriage. The Constitutional provisions allowing for persons between the ages of 15 to 18 years to marry could only be amended through a referendum.

52. The Trafficking in Persons Act, the Gender Equality Act and the Disability Act were operational. On the issues of press freedom, the access to information bill was in the process of being finalized. The bill would soon to be submitted to the Cabinet and thereafter to Parliament.

53. The delegation emphasized that discrimination against lesbian, gay, bisexual and transsexual persons was a problem that existed not only in Malawi. However, society in Malawi needed to evolve and an informed society would be able to take a decision on this matter. There was a need for discussion and debate on the issue. However, there had not been any attempt by civil society to engage with the Government.

54. The Prisons Act was being reviewed and should be completed later in 2015. Malawi had the death penalty in its laws, but no one had been executed since 1994. Society needed to be encouraged to discuss the issue. For those sentenced to death after 1994, some of those sentences w re being reviewed. The delegation explained that it was not mandatory for a court to impose the death sentence for murder. The court had the discretion to impose another sentence.

55. Nicaragua acknowledged efforts to protect child rights and the adoption of measures to promote the universal right of children to education. It highlighted the adoption of a comprehensive law on disabilities.

56. The Niger noted several institutions that functioned harmoniously and brought about better protection of human rights, such as the Office of the Ombudsman and the Human

Rights Commission. The Niger also noted that Malawi was party to most of the international human rights instruments.

57. Nigeria appreciated efforts on the issue of disability and the plan to create wealth through sustainable economic growth. It urged Malawi to continue strengthening its human rights institutions and called on the Government to consider extending a standing invitation to special procedures mandate holders.

58. Norway commended Malawi on the adoption of legislation strengthening the legal framework for human rights protection. It noted open discussions on minority rights, action towards decriminalizing same-sex relations, and improvements in freedom of expression and the media.

59. The Philippines welcomed progress in harmonizing domestic legislation with international human rights conventions, noting the enactment of the Gender Equality Act and the Child Protection and Justice Act. It lauded awareness-raising programmes among government agencies and key sectors of society.

60. Portugal welcomed ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the adoption of the Gender Equality Act and recognition of the disparities between men and women in the nationality law.

61. Rwanda noted the positive action taken since the last review, particularly the adoption of the Disability Act and steps to ensure gender equality through the adoption of the Gender Equality Act, which will change the landscape and empower women.

62. Senegal noted the progress made in implementing the recommendations of the first cycle and in the realization of economic, social and cultural rights. It welcomed efforts in the protection of vulnerable groups, noting the adoption of the Disability Act.

63. Sierra Leone applauded the moratorium on the death penalty and encouraged Malawi to abolish it. It stated that Malawi should consider providing free and equal access to primary education and promote human rights education. It urged Malawi to criminalize all forms of trafficking.

64. Singapore noted the adoption of the Disability Act, aimed at providing persons with disabilities with equal opportunities in a number of areas such as health care, education and employment. It acknowledged legislative and policy measures to counter gender-based discrimination.

65. Slovakia noted the adoption of the Trafficking in Persons Law and encouraged the Government of Malawi to fully implement it. It commended steps taken to implement the universal periodic review recommendations on children's rights but indicated that further progress was needed in a number of areas.

66. Slovenia welcomed efforts to eliminate harmful practices, including child marriage, progress in the juvenile justice system and the raising of the minimum age of criminal responsibility to 12 years. It considered that its previous recommendations 102. 37 (on trafficking) and 105.10 (on women) remained valid.

67. South Africa recognized progress in achieving some of the millennium development goals under Vision 2020 and the growth and development strategy and encouraged further implementation of those initiatives. It urged Malawi to continue to make efforts towards the promotion of human rights, including the right to development.

68. Spain praised the holding of elections in 2014. It welcomed the fact that no executions had been carried out since 1994 but was concerned that death sentences were still being handed down by the courts.

69. Sri Lanka noted remarks by observers on the peaceful holding of elections in 2014. It encouraged Malawi to consider compulsory primary free education for all, with equal access for girls and boys and to improve related infrastructure facilities.

70. The Sudan expressed appreciation for the holding of two peaceful political transition processes in 2012 and 2014. It commended Malawi on the steps taken for the protection of human rights, particularly the adoption of the Disability Act and the establishment of the Disability Trust Fund.

71. Sweden noted that Malawi had taken some steps to fulfil the gender equality pledges made in 2010 but considered that it had failed to live up to most of them. It noted that in 2010 Malawi had rejected recommendations to decriminalize same-sex conduct.

72. Switzerland recalled the concerns it had expressed during the first cycle concerning the criminalization of persons based on their sexual orientation in the Criminal Codeof Malawi. It welcomed the new law on trafficking but regretted that it had not yet been enacted.

73. Thailand welcomed the commitment made by the President to enhance women's empowerment and rights as a requisite for poverty reduction. It expressed readiness to support Malawi in the realization of its socioeconomic rights under the framework of the Thai-Africa Initiative.

74. Timor-Leste commended Malawi on the adoption of the national plan of action for orphans and other vulnerable children and encouraged the Government to finalize it. It noted the adoption of a plan of action for human rights education.

75. Togo welcomed the creation of several institutions for the protection of human rights, the adoption in 2012 of a law on persons with disabilities and efforts to combat harmful traditional practices. It commended Malawi on action taken on socioeconomic development.

76. Trinidad and Tobago noted efforts aimed at law reform designed to bolster support for the protection of human rights, as well as initiatives to address disparities in the agricultural sector.

77. Tunisia encouraged Malawi to increase efforts to implement recommendations accepted in 2010, better enforce recommendations of its national human rights institution and speed up the adoption of the action plan to combat violence against children and the adoption of the bill on family relations.

78. Uganda welcomed the Gender Equality Act but noted that there were still laws that discriminated against women. It urged the Government to effectively address concerns about child marriage through the enactment of the marriage, divorce and family relations bill. It asked about measures intended to ensure implementation of laws that had been enacted.

79. The United Kingdom encouraged Malawi to implement the Disability Act and the Marriage, Divorce and Family Relations Act. It urged the government to ensure the proportionate and appropriate use of firearms by the Malawi Police Service and to confirm that there was no shoot-to-kill policy.

80. The United States of America commended Malawi on the enactment of legislation on gender equality and trafficking. It was concerned at laws that criminalized consensual same-sex activity between adults and urged Malawi to ensure that its legislation respected the rights of all citizens.

81. Uruguay appreciated the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encouraged

Malawi to continue along this path and to ratify, among others, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, and the International Convention for the Protection of all Persons from Enforced Disappearance. Uruguay welcomed the legislative improvements in terms of gender, particularly the Gender Equality Act.

82. The Bolivarian Republic of Venezuela noted the adoption of the Gender Equality Act and the Disability Act and acknowledged the progress in combating discrimination and violence against women. It also noted that, through the social cash transfer programme, subsidies had been granted to extremely poor homes.

83. Zimbabwe noted measures adopted, including human rights education in the Malawi Prison Service, the work to enact the Marriage, Divorce and Family Relations Act to address child marriages, steps taken to address child labour and legislation enacted to enhance human rights.

84. Algeria welcomed the political transition that had taken place since 2012 and the strengthening of the legal and institutional framework on human rights. It welcomed the results obtained through the awareness-raising efforts of the human rights institutions of Malawi.

85. Angola welcomed the presentation by Malawi of its initial reports under the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa. It appreciated the efforts to review legislation and bring it into line with the country's international obligations.

86. Argentina noted the progress achieved in the promotion of human rights, in particular the passage of the Gender Equality Act and the Disability Act, as well as the creation of a national strategic plan on HIV/AIDS for 2011–2016. It also noted that since 2010 new HIV infections had fallen by 41 per cent.

87. Armenia appreciated the steps taken for promoting human rights. It noted the national policies for the protection of the rights of the child and welcomed cooperation with the United Nations and its bodies. Armenia expressed concern that Malawi had not ratified the Convention on the Prevention and Punishment of the Crime of Genocide.

88. Australia commended Malawi for the legislative measures to comply with its commitments under the International Covenant on Civil and Political Rights. It acknowledged steps taken to remove the mandatory death sentence for murder and treason and was encouraged by the performance of the Malawi Human Rights Commission. Australia noted that the rights of lesbian, gay, bisexual, transsexual and intersex groups remained under pressure.

89. Austria expressed concern over the surge in violent attacks against people with albinism. It said that all investigations of those attacks must be in line with international human rights standards. Prison conditions had not improved since the last review. It noted the existence of legislation prohibiting consensual same-sex relations, the reports of harassment and intimidation of journalists and human rights defenders, and restrictions on the freedoms of assembly and expression.

90. Botswana welcomed efforts to combat child marriages and polygamy. It urged Malawi to finalize the enactment of pending bills and expressed concern about the high number of persons in pretrial detention, the insufficient resources to address the backlog of court cases and the restrictions on the freedoms of assembly and expression.

91. Brazil acknowledged the advances made in fostering the alignment of national law with international human rights obligations and highlighted the adoption of specific legislation on human trafficking.

92. Burkina Faso welcomed the successful organization of presidential, legislative and local elections in 2014. Burkina Faso was pleased with the interest shown by the authorities on the question of children, regarding the fight against child marriage and the promotion of school enrolment.

93. Cabo Verde noted the creation of a climate that was conducive to the promotion of human rights and drew attention to the adoption of the law on gender equality and progress made regarding freedom of information.

94. Canada expressed concern about the continued high prevalence of violence against women and girls, as well as child, early and forced marriage.

95. Chad noted that Malawi was party to the majority of the regional and international human rights instruments and had made efforts to submit its overdue reports. Chad also noted efforts to promote equal opportunities regarding economic and social rights.

96. Chile noted the adoption of the Disability Act and the Gender Equality Act and the extension of the scope of courts in order to improve access to justice, and the successful plan, realized in conjunction with the Joint United Nations Programme on HIV/AIDS (UNAIDS), which strives to cut the number of new HIV infections.

97. China appreciated the efforts made to implement the recommendations from the 2010 review. It also appreciated, among other things, the formulation of a national human rights action plan, the adoption of the Disability Act, the Child Care Protection and Justice Act and the Gender Equality Act, and the strengthening of human rights training for the police.

98. The Congo noted with satisfaction the establishment of a juvenile justice system compatible with the Convention on the Rights of the Child. It encouraged Malawi to develop a strategy to promote decent work in the sectors of agriculture, domestic work, transport and mining.

99. Costa Rica congratulated Malawi on the progress relating to freedom of expression and the efforts to prevent the practice of torture in prisons through human rights education for law enforcement officers. It was, however, concerned about violence against women, inequality of women in various fields, child labour and early marriage.

100. Ireland remained concerned at the high rates of child marriage, maternal mortality and gender-based violence. Ireland noted with concern that women in Malawi were among the poorest and faced specific impediments to their enjoyment of the right to food and nutrition.

101. France welcomed the delegation of Malawi and made recommendations.

102. The delegation of Malawi stated that it has heard the sentiments, comments and recommendations that had been made and had taken note of all of them. On the issue of early marriage, the delegation stated that the enactment of the Marriage, Divorce and Family Relations Act was a clear statement by the Government to discourage early marriages. By pegging the marriage age to 18 years, the Government had shown its specific intention to address this matter. The Act would encourage girls to go to school before they thought of getting married. In the report that had been submitted, Malawi had provided information on the initiatives that had been taken.

103. With regard to the attacks on people living with albinism, the delegation emphasized that this was a recent issue in Malawi. However, the Government was aware of what was

happening and had taken measures to address the issue in order to protect people living with albinism. Those initiatives were supported by the police and traditional leaders.

104. On the issue of loss of citizenship due to marriage, the delegation stated that the Citizenship Act was under review. However, under section 48 of the Marriage, Divorce and Family Relations Act, persons would not lose their citizenship because of marriage.

105. There were no reports in the country of people being persecuted, simply because they were human rights defenders. The delegation welcomed and encouraged mandate holders to visit the country and to find out whether allegations of this nature were credible.

106. The Human Rights Commission was established by the Constitution. The Commission has an A-status accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Commission has always been encouraged to act and carry out its duties independently from the Government. The Government has never made any attempt to interfere with the work of the Commission.

107. Violence against children was a criminal offence. However, in the light of the comments and observations that had been made, the Government would review the relevant law to see what else could be done.

108. On the issue of education, the delegation stated that primary education was both free and compulsory. However, enforcement mechanisms were lacking. Steps had been taken to ensure that children went to school.

109. On the issue of prevention of violence against women, the delegation stated that the relevant legislation was currently under review by the Law Commission. By the end of that review, the concerns raised during the interactive dialogue should be addressed.

II. Conclusions and/or recommendations**

110. **The following recommendations have been examined by Malawi and enjoy its support:**

110.1 **Continue the process of ratification of international instruments, particularly those related to human rights, to which the country is not yet party (Côte d'Ivoire);**

110.2 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Prevention and Punishment of the Crime of Genocide (Democratic Republic of the Congo);**

110.3 **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

110.4 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

110.5 **Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**

** Conclusions and recommendations will not be edited.

110.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Ghana);**

110.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Discrimination in Education (Tunisia);**

110.8 **Speed up efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

110.9 **Ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Honduras);**

110.10 **Consider ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189) (Philippines);**

110.11 **Speed up the revision of the Constitution of the Republic of Malawi and ensure harmonization of laws in line with its international obligations regarding the definition of the child (Slovakia);**

110.12 **Harmonize national law with already ratified international conventions (Senegal);**

110.13 **Seek to amend the Penal Code to criminalize all forms of sexual abuse of children, regardless of the sex of the child, bring perpetrators to justice and rehabilitate and compensate the victims (Egypt);**

110.14 **Amend the Penal Code to criminalize all forms of sexual abuse of children regardless of the sex of the child, as currently not all forms of sexual abuse against boys are criminalized (Canada);**

110.15 **Amend the Criminal Code to criminalize all forms of sexual abuse to children (Chile);**

110.16 **Amend the Penal Code in order to criminalize all forms of sexual abuse of children, regardless of the sex of the child, and bring the perpetrators to justice (Slovenia);**

110.17 **Consider possible means of a stricter enforcement of existing laws, with a view to combating different forms of violence against women and girls (Egypt);**

110.18 **Enact appropriate measures and legislation to fight against all forms of discrimination and violence against women (Italy);**

110.19 **Have the Malawian Law Commission take an expedited approach towards the repeal of the Witchcraft Act (Ghana);**

110.20 **Accelerate the process of reviewing the law on witchcraft (Congo);**

110.21 **Ensure the Marriage, Divorce and Family Relations Bill's implementation throughout the country (Iceland);**

110.22 **Accelerate the adoption of the project on marriage, divorce and family relations and the establishment of the minimum age of marriage in line with international standards (Chile);**

110.23 **Take the necessary steps for the effective implementation of the law on marriage, divorce and family relations, in order to set the minimum age for**

marriage at 18 and to contribute to combating forced or early marriages (Mexico);

110.24 **Adopt and ensure effective implementation of existing legislative proposals to improve conditions in prisons in line with international standards (Italy);**

110.25 **Submit the Prisons Bill (2003) to Parliament for its consideration at the earliest opportunity and take meaningful action to deal with prison overcrowding, in particular through reducing the extraordinary periods of pretrial detention faced by many detainees (Ireland);**

110.26 **Bring legislation governing the acquisition, retention or transfer of citizenship in line with article 9 of the Convention on the Elimination of Discrimination against Women, by removing any remaining discrimination (Portugal);**

110.27 **Give continuity to the strengthening of national human rights institutions and mechanisms (Nepal);**

110.28 **Continue its efforts to strengthen the Malawi Human Rights Commission's independence (Australia);**

110.29 **Continue strengthening the capacity of Government institutions on human rights and to implement the strategies and plans, especially on child labour (Sudan);**

110.30 **Conclude the drafting of the national human rights action plan (Zimbabwe);**

110.31 **Accelerate the implementation of its national human rights action plan, and continue strengthening the human rights institutional frameworks (Indonesia);**

110.32 **Strengthen the role and capacity of the Office of the Ombudsman and the Human Rights Commission (Morocco);**

110.33 **Amend the Human Rights Commission Act to ensure that the Commission enjoys full independence and is adequately resourced, in accordance with the Paris Principles (Portugal);**

110.34 **Establish and resource an independent police complaints commission to track and investigate complaints, in line with section 128 of Malawi's Police Act (Australia);**

110.35 **Consider strengthening the capacity of the Law Commission to enable it to fulfil with diligence its apparently broad mandate (Democratic Republic of the Congo);**

110.36 **Further promote human rights education for law enforcement organs (Ethiopia);**

110.37 **Further enhance efforts to achieve the remaining Millennium Development Goals (Ethiopia);**

110.38 **Continue the efforts in fighting social inequalities and poverty, especially of women and children, by promoting the respect for fundamental human rights and adopting policies that provide favourable conditions of work, in line with international human rights law (Holy See);**

110.39 **Take the necessary measures for the prompt and effective operationalization of the independent police complaints commission, including by providing sufficient financial and human resources (Mexico);**

110.40 **Provide financial support to the implementation of the plan of action for vulnerable children (Morocco);**

110.41 **Expedite work on the formulation and implementation of the national plan of action for vulnerable children, which aims at benefitting 1.8 million vulnerable children in Malawi (Sri Lanka);**

110.42 **Further increase efforts in the promotion and protection of the rights of the child (Armenia);**

110.43 **Adopt a comprehensive global policy on children as well as a law and an action plan to implement this policy (Cabo Verde);**

110.44 **Implement public policies to seek greater gender equality, both in political life and in the enjoyment of rights by women and girls under equal conditions (Costa Rica);**

110.45 **Prioritize public education and information as well as capacity building of state institutions as part of efforts to strengthen implementation of national human rights legislation (Norway);**

110.46 **Continue to engage international partners to further pursue human rights awareness programmes and implement the national human rights action plan (Philippines);**

110.47 **Continue efforts to raise public awareness of human rights, in particular the child rights (Sudan);**

110.48 **Reinforce action of the authorities to combat violence against persons with albinism (France);**

110.49 **Strengthen cooperation with Human Rights Council treaty monitoring bodies (South Africa);**

110.50 **Continue to cooperate with the United Nations international human rights treaty bodies (Nicaragua);**

110.51 **Continue cooperation with treaty bodies by submitting overdue reports (Togo);**

110.52 **Submit overdue reports to the human rights treaty bodies (Ghana);**

110.53 **Submit all overdue reports to the treaty bodies (Sierra Leone);**

110.54 **Continue to work towards clearing its backlog of periodic reports to the treaty bodies (Zimbabwe);**

110.55 **Step up efforts to update periodic reports to the human rights treaty bodies (Philippines);**

110.56 **Strengthen cooperation with the universal system of human rights by submitting their initial report to the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Racial Discrimination and by accepting the visit of the rapporteurs on freedom of peaceful assembly, extreme poverty and human rights defenders (Costa Rica);**

110.57 **Continue efforts in the area of gender equality, in particular regarding acquisition, loss and transfer of nationality (Algeria);**

110.58 **Fully implement the adopted Gender Equality Act (Montenegro);**

110.59 **Strengthen efforts on the implementation of the Gender Equality Act (South Africa);**

110.60 **Allocate financial and human resources to the implementation of the Gender Equality Act and amend all laws that discriminate against women, in particular the Citizen Act (Austria);**

110.61 **Continue actions aimed at raising public awareness of the law on gender equality adopted in 2013 and implement the national programme on maternity without risk, in order to reduce significantly the risk of maternal mortality (Burkina Faso);**

110.62 **Develop promptly the implementation guidelines for the Gender Equality Act to ensure its effectiveness (Ghana);**

110.63 **Develop implementation guidelines and to provide necessary budgetary support for the full realization of the Equality Act of 2013, in order to empower women (Sri Lanka);**

110.64 **Continue working on the implementation of laws that promote gender equality in the country (Nicaragua);**

110.65 **Take steps necessary to advance equal education and employment opportunities for women and girls and eliminate the worst forms of child labour (United States of America);**

110.66 **Launch a broad public awareness and education campaign among the population and authorities in order to ensure effectiveness of the new legislative framework prohibiting child marriage at less than 18 years of age (Luxembourg);**

110.67 **Promote gender equality and take measures, both in law and practice, in order to increase the participation of women in public life (Luxembourg);**

110.68 **Continue efforts to curb discriminatory and harmful practices towards women as well as existing high rate of maternal mortality (Nepal);**

110.69 **Take steps to fully harmonize the nationality law to provide women the right to acquire, change or retain their nationality, on an equal basis with men, in line with the provisions of the Convention on the Elimination of Discrimination against Women (Kenya);**

110.70 **Amend sections 9 and 16 of the Citizenship Act to ensure that nationality provisions are applied equally to men and women (Canada);**

110.71 **Ensure the proper registration of all newborns in order to ensure recognition of their legal personality (Mexico);**

110.72 **Take all necessary measures to protect and promote the right of children, including their right to acquire a nationality and to be registered at birth, combat child marriages and finalize the implementation of the national plan of action for vulnerable children for the period 2014-2018 (Namibia);**

110.73 **Combat all forms of discrimination, including against albinos and persons with disabilities (Italy);**

110.74 **Implement without any delay the recently presented action plan to improve the security and well-being of people with albinism (Austria);**

110.75 **Step up efforts towards improvement of living conditions of the prison population (Brazil);**[1]

110.76 **Review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia);**[2]

110.77 **Continue the moratorium on death penalty (Nepal);**[3]

110.78 **Intensify measures to improve prison conditions by reducing pretrial detention, guaranteeing fair trial and ensuring access to health and sanitary facilities in order to protect the human rights of all persons in detention (Germany);**

110.79 **Improve conditions for prisoners in order to ease overcrowding and existing conditions, and ensure them the right to adequate food (Spain);**

110.80 **Take the necessary measures to improve prison conditions and reduce prison overcrowding (Angola);**

110.81 **Take measures to improve prison conditions (Austria);**

110.82 **Deal with the problems of overcrowding and insufficient food provisions in prisons (Cabo Verde);**

110.83 **Continue its efforts to combat violence against women, such as domestic violence and forced marriages, and promote gender equality, by fully implementing relevant legislation, conducting awareness-raising programmes for the population and bringing to justice the perpetrators of these violence (France);**

110.84 **Ensure strict compliance of laws relating to gender-based violence (Ghana);**

110.85 **Intensify specifically its efforts to combat widespread violence against women and girls, including through gender-sensitive legislation, stronger enforcement of existing laws as well as by increasing public awareness and promoting gender equality (Iceland);**

110.86 **Put in place necessary mechanisms to ensure successful implementation of various strategies and legal reforms being considered to end child marriage (Mauritius);**

110.87 **Strengthen the legal and institutional framework to fight against child marriage (Algeria);**

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[1] The recommendation made during the interactive dialogue was: "Step up efforts towards the abolition of the death penalty and the improvement of living conditions of the prison population (Brazil)".

[2] The recommendation made during the interactive dialogue was: "Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights and review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia)".

[3] The recommendation made during the interactive dialogue was: "Continue the moratorium on death penalty and consider its legal abolition (Nepal)".

110.88 **Develop and implement a comprehensive national action plan to prevent and address the consequences of child marriage by, inter alia, ensuring the investigation and prosecution of domestic violence against women and revising the legal incongruence concerning the minimum age of marriage (Thailand);**

110.89 **Develop and implement a comprehensive national action plan to prevent and eliminate child, early and forced marriages (Netherlands);**

110.90 **Continue to take concrete steps to eliminate child, early and forced marriage, such as Malawi's recent passing of the law raising the age of marriage to 18 years (Canada);**

110.91 **Take effective measures to reduce child marriage (China);**

110.92. **Speed up the review of the Prevention of Domestic Violence Act and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia);**[4]

110.93 **Take effective measures to protect lesbian, gay, bisexual and intersex persons from violence and prosecute the perpetrators of violent attacks (Austria);**

110.94 **Strengthen and consolidate efforts to counter discriminatory practices and violence against women (Singapore);**

110.95 **Continue its actions to ensure effective respect of the rights of the child and to fight, in particular, against early marriages by adopting rapidly and implementing the marriage bill (France);**

110.96 **Continue working on the implementation of a national plan to combat violence against children and youth (Nicaragua);**

110.97 **Continue efforts in combating sexual violence against children regardless of the sex of the child starting with the review of related legislation to ensure prosecution of perpetrators and adequate rehabilitation and compensation for the victims (Thailand);**

110.98 **Continue implementing the national action plan to guide the progressive elimination of child labour (Cuba);**

110.99 **Take concrete measures to ensure that the anti-human trafficking act is effectively implemented and that albinos are provided equal protection by the law (Norway);**

110.100 **Ensure that the Trafficking in Persons Act comes into force and is implemented as soon as possible and implement a national action plan to strengthen coordination efforts against trafficking at the national level (Switzerland);**

110.101 **Vigorously investigate and prosecute trafficking offenders, under the recently passed Trafficking in Persons Act (United States of America);**

[4] The recommendation made during the interactive dialogue was: "Speed up the review of the Prevention of Domestic Violence Act, explicitly criminalize spousal rape and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia)".

110.102 **Take further steps to reform the judicial and penal system and create adequate incarceration centres in conformity with international standards (Holy See);**

110.103 **Take concrete measures to improve the judiciary and penitentiary system, by reducing the cases of excessively long pretrial detentions and ensuring humane detention conditions (France);**

110.104 **Continue its efforts to improve the penitentiary system and prison conditions as well as to strengthen the judiciary whose weakness in personnel, namely prosecutors and judges, is the source of congestion of the courts (Niger);**

110.105 **Operationalize the system of management of cases in all courts to ensure effective treatment of criminal cases by the judiciary (Morocco);**

110.106 **Develop and implement a comprehensive strategy and judicial reforms to effectively reduce the backlog of cases (Botswana);**

110.107 **Ensure the identification, protection and access of victims to justice and guarantee effective investigations into cases of trafficking (Switzerland);**

110.108 **Continue working on the implementation of actions which ensure effective access of women victims of gender violence to justice, reparation and social reintegration (Uruguay);**

110.109 **Fully investigate all cases of harassment and intimidation of journalists and human rights defenders with a view of bringing the perpetrators to justice (Austria);**

110.110 **Ensure thorough investigations into reports of attacks and threats against human rights defenders with a view to bring perpetrators to justice (Botswana);**

110.111 **Continue its efforts to review the cases of persons sentenced to death in the country and to commute all death sentences into alternative penalties, as well as to put in place a moratorium on the death penalty with a view to its future abolition (Switzerland);**

110.112 **Continue positive measures in support of vulnerable groups in the areas of access to justice and education (Angola);**

110.113 **Take the necessary measures to set the minimum age for marriage at 18 years of age (Togo);**

110.114 **Take steps to increase the participation of women in government (Trinidad and Tobago);**

110.115 **Further strengthen the field of economic, social and cultural rights, in order to improve the living conditions of the people and to this end, the support and solidarity of the community of nations is important (Bolivarian Republic of Venezuela);**

110.116 **Continue promoting partnerships with regional and international institutions in order to give impetus to the development process and improve living standards of its nationals (Kuwait);**

110.117 **Continue efforts for the realization of sustainable economic development and poverty reduction (China);**

110.118 **Strengthen the mechanisms aimed at fighting against poverty and food insecurity (Côte d'Ivoire);**

110.119 **Take all necessary measures to reduce extreme poverty, hunger and child mortality rates (Kuwait);**

110.120 **Establish a legal framework on the right to food, building on the draft food and nutrition bill and integrating a gender perspective through a consultative process with relevant stakeholders (Ireland);**

110.121 **Intensify efforts to address socioeconomic rights, particularly access to health and education (Sierra Leone);**

110.122 **Continue efforts in improving the health-care system in order to combat mother and child mortality, and assist those suffering from HIV/AIDS (Holy See);**

110.123 **Spare no efforts and resources to provide girls and adolescents of reproductive health and social services to address the problem of teenage pregnancies (Honduras);**

110.124 **Continue efforts aimed at effectively fighting against maternal and child mortality (Togo);**

110.125 **Step up efforts to reduce the HIV/AIDS rate in the country (Burkina Faso);**

110.126 **Guarantee that people of the lesbian, gay, bisexual, transgender and intersex communities have effective access to health services, including treatment for HIV/AIDS (Honduras);**

110.127 **Continue efforts in the provision of free and compulsory education (South Africa);**

110.128 **Put in place measures to improve the infrastructure of educational institutions as well as increase the access of children to education (Trinidad and Tobago);**

110.129 **Pursue efforts to promote school attendance of girls and women's rights (Congo);**

110.130 **Promote the introduction of human rights education in the educational system and in training programs (Senegal);**

110.131 **Give full priority to ensuring the full and effective implementation of the Disability Act (Singapore);**

110.132 **Fully implement the strategy for growth and development of Malawi (Cuba).**

111. **The following enjoy the support of Malawi, which Malawi considers to be already implemented:**

111.1 **Accelerate the review and adoption of the new law on marriage in order to eradicate early marriages of young girls (Democratic Republic of the Congo);**

111.2 **Expedite the adoption of a law on trafficking in persons, which would provide for the criminalization of all forms of trafficking, sanctions and adequate assistance for victims (Egypt);**

111.3 **Enact the Marriage, Divorce and Family Relations Bill with a view to ending child, early and forced marriage and other harmful practices, and raise the minimum age of marriage to 18 years (Sierra Leone);**

111.4 **Adopt the Marriage, Divorce and Family Relations Bill (Sudan);**

111.5 **Conclude the work on the draft law on marriage, divorce and family relations (Cabo Verde);**

111.6 **Ensure that measures are taken to expedite the enactment of the Gender Equality Bill, the Deceased Estates Bill and the Marriage, Divorce and Family Relations Bill (Timor-Leste);**

111.7 **Establish a definition of the child in accordance with the Convention on the Rights of the Child as well as incorporate the principle of the best interests of the child in the Constitution (Timor-Leste);**

111.8 **Establish a national human rights institution (Costa Rica);**

111.9 **Ensure the effective implementation of the Marriage, Divorce and Family Relations Bill in order to prevent the prevalence of child marriage (Sweden);**

111.10 **Adopt a law on human trafficking that criminalizes all forms of trafficking and that provides the corresponding sanctions and comprehensive assistance to victims (Spain);**

111.11 **Draw up a programme to ensure the full enjoyment of human rights by persons living with albinism (Sierra Leone);**

111.12 **Consider elaboration and adoption of a policy on child justice or a comprehensive programme through the National Child Justice Forum (Slovakia);**

111.13 **Further promote human rights education and make primary education free and compulsory (Rwanda).**

112. **The following recommendations will be examined by Malawi which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council in September 2015:**

112.1 **Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

112.2 **Strengthen its legal framework by considering signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

112.3 **Consider ratifying the International Convention on the Rights of all Migrant Workers and Their Families (Philippines);**

112.4 **Urgently address the inconsistency in the age of marriage in the Marriage Act and the Constitution (United Kingdom of Great Britain and Northern Ireland);**

112.5 **Decriminalize defamation and incorporate this into the Civil Code (Ghana);**

112.6 **Harmonise laws on abortion with maternal health and child marriage (Congo);**

112.7 **Issue standing invitations to all special procedures (Ghana);**

112.8 **Issue a standing invitation to the special procedures of the Human Rights Council and ensure an enabling environment for the activities of journalists, human rights defenders and other civil society actors (Tunisia);**

112.9 **Extend a standing invitation to the special procedures mandate holders (Chad);**

112.10 **Consider extending a standing invitation to the special procedures mandate holders (Kenya);**

112.11 **Issue a standing invitation to all mandate holders of the special procedures (Madagascar);**

112.12 **Strengthen efforts to reduce maternal mortality, including by reviewing the legislation on abortion (Slovenia);**

112.13 **Implement, as a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the provisions related to medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus (Norway).**

113. **The following recommendations have been noted by Malawi:**

113.1 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Madagascar);**

113.2 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Germany);**

113.3 **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

113.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

113.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**

113.6 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and commit current death sentences to life imprisonment as far as possible (Namibia);**

113.7 **Consider ratifying the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Timor-Leste);**

113.8 **Consider the legal abolition of the death penalty (Nepal);**[5]

113.9 **Step up efforts towards the abolition of the death penalty (Brazil);**[6]

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[5] The recommendation made during the interactive dialogue was: "Continue the moratorium on death penalty and consider its legal abolition (Nepal)".

[6] The recommendation made during the interactive dialogue was: "Step up efforts towards the abolition of the death penalty and the improvement of living conditions of the prison population (Brazil)".

113.10 **Withdraw all reservations to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and accede to the 1961 Convention on the Reduction of Statelessness (Germany);**

113.11 **Strengthen provisions in the Constitution to promote good administrative practices in State institutions (Angola);**

113.12 **Take into consideration the recommendation of the Committee on Human Rights and explicitly criminalize female genital mutilation (Honduras);**

113.13 **Review and reform its national legislation with a view to eradicating all discrimination on the basis of sexual orientation and gender identity (Brazil);**

113.14 **Include sexual orientation and gender identity among the prohibited grounds of discrimination and repeal the provisions criminalizing homosexual relations between consenting adults (Chile);**

113.15 **Repeal provisions criminalizing consensual same-sex sexual conduct in order to bring the penal code in line with international human rights obligations (Germany);**

113.16 **Repeal all legal provisions criminalizing sexual activities between people of the same sex (Italy);**

113.17 **Modify the criminal code to decriminalize same-sex sexual activity between consenting adults and to criminalize all forms of sexual abuse of children, regardless of the sex of the child (United States of America);**

113.18 **Repeal legal provisions that criminalize homosexuality, and take all necessary measures to ensure respect for all human rights of lesbian, gay, bisexual, transgender and intersex people, including access to public health services and support initiatives, such as education programmes and the provision of disease and infection care (Slovenia);**

113.19 **Abrogate legislation criminalizing homosexuality, in order to fully respect the principles of equality and non-discrimination for all persons (France);**

113.20 **Repeal all legal provisions criminalising sexual activity between consenting adults and encourage the Malawi Human Rights Commission to include in its mandate the protection of the rights of the lesbian, gay, bisexual, transgender and intersex community (Australia);**

113.21 **Consolidate the policy gains into legal reforms on issues such as treatment of same-sex relations and access to information (Norway);**

113.22 **Ensure to lesbian, gay, bisexual, transgender and intersex persons the full enjoyment and equal conditions in terms of their human rights by repealing the rules that criminalize and stigmatize them (Argentina);**

113.23 **Bring its legislation in conformity with international law, by decriminalizing consensual same-sex relations between adults and by prohibiting all discrimination based on sexual orientation and gender identity (Luxembourg);**

113.24 **Repeal the provisions in the Criminal Code that criminalize consensual same-sex conduct, and any other legislation which discriminates on the basis of sexual orientation or gender identity, and bring its legislation in line with Malawi's obligations under international human rights law (Netherlands);**

113.25 **Repeal provisions of the Malawi Criminal Code that criminalize consensual, adult same-sex conduct (sections 153, 154 and 156) and provide adequate protection to lesbian, gay, bisexual and transgender persons (Sweden);**

113.26 **Decriminalize homosexuality and revise sections 137A, 153, 154 and 156 of the Penal Code and revise the law on marriage, divorce and family relations in order to bring it in line with the international instruments ratified by Malawi (Switzerland);**

113.27 **Eliminate existing norms against homosexuality, in particular articles 137, 153, and 156 of the Penal Code (Spain);**

113.28 **Combat, in law and in practice, discrimination based on sexual orientation (Uruguay);**

113.29 **Abolish the death penalty (Portugal);**

113.30 **Consider abolishing the death penalty (Rwanda);**

113.31 **Move towards the abolition of the death penalty (Chile);**

113.32 **Consider abolishing the death penalty, given that there has been no execution since 1992 and that death row cases are being reviewed (United Kingdom of Great Britain and Northern Ireland);**

113.33 **Uphold the inherent right to life by ensuring the right to liberty and security of the human person and by abolishing the death penalty (Holy See);**

113.34 **Consider taking all necessary steps to introduce a de jure moratorium on capital executions with a view to fully abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**

113.35 **Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**[7]

113.36 **Declare a de jure moratorium on the death penalty with a view to its final abolition, and in this context take steps to become Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);**

113.37 **Formalize a de jure moratorium on death penalty and replace it with alternative sentences which respect international human rights standards (Spain);**

113.38 **Adopt measures to effectively prevent the practice of female genital mutilation (Uruguay);**

113.39 **Improve conditions in schools, and persist in efforts to facilitate access to education, especially for indigenous peoples, and promote the opportunity to access mother language education (Holy See);**

113.40 **Explicitly criminalize spousal rape (Slovakia);**[8]

[7] The recommendation made during the interactive dialogue was: "Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights and review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia)."

113.41 **Improve law enforcement capacity to protect victims of domestic violence by expanding the ability of the police to investigate cases of suspected domestic violence, including spousal rape, and increasing training and awareness-raising for police (Canada).**

114. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

[8] The recommendation made during the interactive dialogue was: "Speed up the review of the Prevention of Domestic Violence Act, explicitly criminalize spousal rape and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia)."

Annex

[English only]

Composition of the delegation

The delegation of Malawi was headed by Honourable S.B. Tembenu, Minister of Justice and Constitutional Affairs, and composed of the following members:

- Dr. Janet Banda – Solicitor General and Secretary for Justice, Ministry of Justice
- Mr. Pacharo Kayira – Chief State Advocate, Ministry of Justice
- Mr. Mathews Stanley Gamadzi – Senior State Advocate, Ministry of Justice
- Ms. Natasha Nyirongo – Senior State Advocate, Ministry of Justice
- Ambassador Shophie Kalinde – Chairperson, Human Rights Commission
- Dr. Zace Kawalala – Commissioner, Human Rights Commission
- Ms. Grace Malera – Executive Secretary, Human Rights Commission
- Mr. Ernest Mungo Makawa – Director of Legal Affairs, Ministry of Foreign Affairs
- Mr. Mc Knight Kalanda – Director of Child Affairs, Ministry of Gender
- Mr. Justin Hamela – Principal Gender Officer, Ministry of Gender
- Ms. Chipiliro Leah Mangulama – Chief Legal Officer, Ombudsman

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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Malawi

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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The Malawi Government hereby presents its position on the thirteen (13) recommendations which were pended at the May 2015 session:

112.1. Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Ghana) – NOTED;

112.2. Strengthen its legal framework by considering signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Indonesia) – NOTED;

112.3. Consider ratifying ICRMW (Philippines) – NOTED;

112.4. Urgently address the inconsistency in the age of marriage in the Marriage Act and the Constitution (United Kingdom of Great Britain and Northern Ireland) – SUPPORTED;

112.5. Decriminalize defamation and incorporate into the Civil Code (Ghana) – NOTED;

112.6. Harmonise laws on abortion with maternal health and child marriage (Republic of Congo) – SUPPORTED;

112.7. Issue standing invitations to all special procedures (Ghana) – SUPPORTED;

112.8. Issue a standing invitation to the Special Procedures of the Human Rights Council and ensure an enabling environment for the activities of journalists, human rights defenders and other civil society actors (Tunisia) – SUPPORTED;

112.9. Extend a standing invitation to the special procedures mandate holders (Chad) – SUPPORTED;

112.10. Consider extending a standing invitation to the Special Procedures mandate holders (Kenya) – SUPPORTED;

112.11. Issue a standing invitation to all mandate holders of the special procedures (Madagascar) – SUPPORTED;

112.12. Strengthen efforts to reduce maternal mortality, including by reviewing the legislation on abortion (Slovenia) – SUPPORTED;

112.13. Implement, as a party to the Maputo protocol, the provisions related to medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus (Norway) – SUPPORTED.

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Report of the Working Group on the Universal Periodic Review*

Mongolia

* The annex to the present report is circulated as received.

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	6
II.	Conclusions and recommendations	15
Annex		
	Composition of the delegation	26

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Mongolia was held at the 4th meeting, on 5 May 2015. The delegation of Mongolia was headed by Mr. Tsogoo Uugangerel. At its 10th meeting, held on 8 May 2015, the Working Group adopted the report on Mongolia.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mongolia: Cuba, Sierra Leone, and the Netherlands.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Mongolia:

(a) A national report (A/HRC/WG.6/22/MNG/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/MNG/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/MNG/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Mongolia through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Mongolia stated that the universal periodic review recommendations would serve as a soft law, a self-monitoring system for the Government, and an instrument for civil society organizations to demand effective implementation from the Government.

6. Mongolia, following the first the universal periodic review, adopted an action plan for the implementation of recommendations. Private, public, and non-governmental organization (NGO) stakeholders all contributed their best efforts to the successful implementation of the plan and recommendations. The efforts of such collaboration were incorporated into the mid-term voluntary report submitted to the Human Rights Council in May 2014. The delegation of Mongolia highlighted a forum that consolidated more than 40 human rights NGOs that carried out sustainable activities to improve the human rights situation in Mongolia. This experience of cooperation with NGOs in Mongolia was illustrative of how the universal periodic review facilitated the strengthening of mutual understanding and confidence between governmental agencies and human rights NGOs.

7. In 2012, Mongolia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. In 2014, Mongolia ratified the International Convention for the protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as reflected in recommendations from the first universal periodic review, and voluntary pledges made by Mongolia as a 2015 Election Candidate to the Human Rights Council.

8. Since the submission of the national report for the second cycle of the universal periodic review, the State of Great Khural (Parliament) of Mongolia had ratified in April the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and in May, the Minamata Convention on Mercury. Furthermore, domestic ratification of the International Labour Organization (ILO) Convention No. 176 concerning Safety and Health in Mines and the Kampala amendments to the Rome Statute of the International Criminal Court is expected to be completed this year.

9. Following the commencement in 2012 of a comprehensive legal reform, Mongolia enacted a number of laws and regulations aimed at ensuring human rights. As part of this process, the Parliament of Mongolia was considering draft laws in the field of criminal law that included a revised Criminal Code. The delegation of Mongolia noted there was a lengthy time process for the reform to enjoy public support, be transparent and be subject to independent monitoring, and adequate human and financial resources.

10. In response to an advanced question concerning the death penalty, Mongolia reiterated its support for the abolition of the death penalty. On 14 January 2010, the President of Mongolia declared a moratorium and granted a pardon to all persons sentenced to death prior to the moratorium. In the draft Criminal Code that was currently under parliamentary review, the death penalty was excluded from the classification of criminal punishment.

11. The delegation of Mongolia said it was confident that, with the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in 2014, the introduction of concurrent monitoring by the Sub-Committee on Prevention of Torture, and the National Preventive Mechanism, a tangible process in preventing torture, as well as holding perpetrators liable, would be established. Furthermore, the National Human Rights Commission of Mongolia, based on the relevant laws of Mongolia and its independent status from the Government, would be assigned the functions of the national preventive mechanism in compliance with the Optional Protocol. The delegation further acknowledged that the current definition of torture did not include all forms of torture in compliance with article 1 of the Convention against Torture; however, the draft Criminal Code under parliamentary review provided a definition of torture, as well as applicable liability sanctions in accordance with the Convention.

12. The delegation acknowledged criticism by civil society organizations concerning the disbandment of the Special Investigation Unit of the General Prosecutor's Office, and the allocation of its functions to the Anti-Corruption Authority and Police according to the nature of the crime. Moreover, it was noted that victims of torture enjoyed the right to be compensated for both material and moral damage caused by unlawful acts of the investigator, prosecutor or judge.

13. A cluster of new laws focusing on the judiciary were adopted in 2013 to strengthen the right to a fair and independent trial. These included the separation by law of court administration and court procedure, which ensured that judges were free from administration management and its influence. Moreover, all court hearings were recorded as they were equipped with video and audio surveillance. Court decisions were published on the court's website with the exception of closed court hearings as required by law, enabling access for all stakeholders to analyse and review court decisions, the application of laws, and the exercise of the rights of the case participants in the court hearings. Measures were also being taken to gradually increase the salaries of judges.

14. In response to an advanced question regarding human trafficking, the delegation explained that in 2012 the Law on Combatting Human Trafficking was enacted. In addition to concluding bilateral agreements on cooperation to combat crimes of human trafficking

with different countries, in 2013 Mongolia enacted regulations to provide assistance to citizens who became victims of human trafficking abroad.

15. The 2011 Law on Gender Equality contained several provisions for protecting and promoting the rights of women, including the prohibition of all forms of discrimination against women in the political, economic, social and family domains, as well as the introduction of a quota requirement for women's participation at the decision-making level of the ministries, agencies and local governing organizations. The delegation of Mongolia noted significant achievement and progress in gender equality since the enactment of this law. Furthermore, prior to and during the legislative process of the Law, Mongolia organized public awareness activities and campaigns. An example of the positive outcome of both the enactment of the Law and the awareness raising campaigns was the increased number of complaints related to sexual harassment in workplaces that were received by the National Human Rights Commission and then transferred to the law enforcement agencies for investigation.

16. Mongolia established a National Committee on Gender Equality led by the Prime Minister, whose functions included the implementation of the Law and Mid-term Implementation Programme, in addition to 49 Gender subcommittees that oversaw the implementation of the Law in ministries, agencies, and local governing organizations.

17. The delegation of Mongolia discussed the 20 per cent quota requirement for women candidacy in the Parliament Election Law, and currently there were 11 women parliamentarians. There was an ongoing campaign to legislate a 30 per cent quota for women's candidacy in Parliament and local elections. Also, 38 per cent of 1,300 business enterprises that were members of the Mongolian National Chamber of Commerce and Industry were managed by women CEOs.

18. In response to an advanced question concerning domestic violence, the delegation explained numerous measures that had been taken to combat domestic violence, such as a draft law on Combating Domestic Violence that was currently under review by the State of Great Khural. Moreover, in an effort to help victims of domestic violence, various measures were taken, including a shelter for victims of domestic violence established in Ulaanbaatar in 2014, in addition to shelter facilities established in seven provinces from 2013 to 2014; three One-stop Service Centres that provided medical, psychological, and legal services and counselling in Ulaanbaatar and one in Zavkhan Province; and the operation of a 107 and 108 hotline for emergency assistance to domestic violence victims. A police unit was also established to prevent and investigate child abuse and domestic violence, in addition to releasing statistics on domestic violence to the public.

19. The delegation of Mongolia highlighted the revised Law on Health and a Law on Prevention of Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome were adopted in 2011 and 2012 respectively. These laws ban any restriction of human rights and freedoms due to HIV infection or AIDS and prohibit all forms of discrimination against such persons.

20. The delegation noted that child labour and corporal punishment still remained issues in Mongolia. The National Programme on the elimination of the worst forms of child labour was enacted in 2011, and in the new draft Labour Code there were provisions to prohibit labour for those under the age of 15.

21. The delegation of Mongolia explained that there were no official records of complaints received by the police regarding discrimination of lesbian, gay, bisexual and transgender (LGBT) people and on alleged mistreatment and dismissal of their complaints by law enforcement and supervisory bodies. Nonetheless, greater attention was still necessary to ensure the effective implementation of recommendations made by relevant treaty bodies and the National Human Rights Commission on the rights of LGBT people in

areas of education, employment and health services, and other issues necessary in upholding their human rights.

22. In order to improve safety and health standards in the mining industry, the delegation reported that the Government had drafted and submitted to Parliament amendments to the Law on Labour Safety and Health. Moreover, a subcommittee was established to address safety and health issues in the geology, mining and petroleum sectors, in addition to developing comprehensive regulations on the safety in open-pit, underground mining, concentrator and explosive activities.

23. The delegation of Mongolia acknowledged that there had been cases of illegal and unsafe use of mercury in mining, but various measures, such as the inspection for illegal use of chemicals, had been carried out nationwide. In 2014, a national standard on "Mercury poisoning diagnosis and treatment" was introduced. However, Mongolia explained that there was still a need to bring medical services closer to the sites of small and artisanal mining.

24. The delegation highlighted the importance of achieving a balance between the development of the agriculture and mining sectors. Due to the high priority of the issue of compensation by the Government, an intersectoral working group was established to develop a proposal on improving a system of compensation and protecting the right of herders who were at risk of losing their pasture land or winter quarters due to exploration and mining activities. However, the Government was limited with regard to intervening directly, such as in the assessment of the monetary value of the privately owned winter quarters.

25. An issue of increasing concern, in conjunction with the development of the mining industry, was water supply. The delegation noted numerous measures taken regarding the efficient use of water resources, protection and conservation of the supply of drinking water for local communities, water safety and security. In addition, a specific law was enacted prohibiting mining activities within certain boundaries, and 650 water springs were taken under protection as per the National Programme on Water in 2010.

26. A critical issue for the city of Ulaanbaatar was air pollution, as 40 per cent of the population resided there. The Clean Air Fund made an investment of 88.82 billion togrogs (US$ 45 million) to reduce air pollution.

27. The Constitution, as well as the Land Law, prohibited the forced removal of citizens from their privately owned land and then expropriating the land. The *ger*-district redevelopment project had been implemented in 24 locations since 2013, and included the participation and engagement of all relevant stakeholders during redevelopment and land acquisition. Moreover, project companies could only acquire land following a tripartite contract between the landowner, project companies and the Mayor of the City.

28. The Constitution established that international treaties ratified or acceded to by Mongolia would have a force equal to domestic laws. Of 425 laws currently in effect, 159 contained general provisions placing legal prevalence to international treaties above domestic law when there was a disparity amongst the two. In order to address the issue of compatibility between national legislation and international treaties, a draft Law on International Treaties was currently being developed by the Ministry of Foreign Affairs.

B. Interactive dialogue and responses by the State under review

29. During the interactive dialogue, 64 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

30. Argentina praised the accession to the Second Optional Protocol of the International Covenant on Civil and Political Rights with a view to abolishing the death penalty, the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also encouraged Mongolia to incorporate article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination in the new draft Penal Code, as considered currently by the authorities.

31. Australia commended the seriousness of the responses to the first universal periodic review cycle, including the steps towards ratifying international treaties and launching significant legal and judicial reforms. It welcomed the accession to the Second Optional Protocol of the International Covenant on Civil and Political Rights and the implementation of a moratorium on the death penalty. It also welcomed the adoption of the Law on National Human Rights Commission. It noted some gaps and challenges in implementing the Law to Combat Domestic Violence.

32. Austria highlighted the efforts in supporting freedom of expression, referring to the ongoing Freedom Online Coalition Conference. It raised concern with the effects of the Unified System of Website Comments and defamation court cases brought against bloggers and journalists, the overall detention conditions, the prevention and investigation of allegations of torture and ill-treatment in custody.

33. Belarus praised the implementation of the recommendations of the first universal periodic review cycle. It highlighted the broad scale of legislative measures adopted between the two review cycles, in particular the adoption of the Law on Combating Trafficking on Human Beings and the Law on Combating Domestic Violence.

34. Bhutan was pleased to note the enactment of the law on gender equality, which aimed at expanding women's opportunities in public works and provided a legal framework for women's empowerment. It welcomed the Government's increasing efforts in combating violence against children, including the disabled.

35. Brazil commended the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the implementation of the National Programme on the elimination of intolerable forms of child labour, as it had recommended during the first universal periodic review cycle. Brazil acknowledged the accession to the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It welcomed the enactment of Laws on Gender Equality and on Fighting Domestic Violence. It noted that discrimination and violence against LGBT persons were still a challenge.

36. Canada noted that, although Mongolia had accepted its recommendations of the first universal periodic review cycle on death penalty and discrimination on the basis of sexual orientation and gender identity, no action had been taken on either issue.

37. Chile praised the progress made on accession to international instruments and the strengthening of human rights institutions. It noted that this was reflected in the national report as a priority, especially in terms of promoting education on human rights.

38. China commended Mongolia's judicial reforms in combating domestic violence and trafficking, protecting women and children's rights, and promoting the rule of law to protect the environment referring to water pollution and desertification. It called on the international community to provide support to Mongolia in promoting human rights.

39. Costa Rica recognized the ratification of three core international human rights instruments. It encouraged harmonizing the national legislation and taking the necessary

measures to abolish the death penalty. It also noted the reform in the judiciary, although some challenges remained. It raised concern that local and national media suffered violations in their right to freedom of expression.

40. The Czech Republic appreciated the delegation's response to some of its advance questions.

41. The Democratic People's Republic of Korea noted the considerable progress made in the field of human rights, in particular in the implementation of the accepted recommendations during its first universal periodic review. It commended the approval of the Law on Gender Equality and its continued efforts to protect the rights of children, women and persons with disabilities.

42. Denmark commended Mongolia for the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in February 2015, as it demonstrated the Government's determination to advance on preventing torture. It stressed that the Convention against Torture Initiative, an intergovernmental cooperation process, was ready to explore avenues to assist the Government of Mongolia in advancing on issues relating to torture.

43. Estonia stressed that the implementation of the newly adopted laws and the full alignment of the national legislation with the international obligations was of key importance. It noted positively the draft Law on Crime, which decriminalized defamation, requesting its speedy implementation. Estonia invited the authorities to effectively address the issues of violence against children, child labour and rights of disabled children for inclusive education.

44. France welcomed Mongolia's ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

45. Germany welcomed progress in removing death penalty-related provisions from the draft Criminal Code. It remained concerned about impunity in cases of torture and reports of child work in mines, although listed as hazardous work for children. Germany commended Mongolia for its stance in favour of the protection of human rights on the Internet.

46. Honduras welcomed the prohibition of corporal punishment in education legislation, and encouraged Mongolia to undertake efforts to adopt policies to ensure the abolition of this practice at home and at school. It shared the concern of the Human Rights Committee on violence against women.

47. Hungary acknowledged that, since the first universal periodic review cycle, Mongolia had undertaken concrete measures to implement the recommendations, and that progress had been made, particularly by acceding to international treaties and enhancing national legislation. Hungary attached great importance to the establishment of an effective national preventive mechanism in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

48. India appreciated various legislative and policy measures undertaken on judicial reforms, to combat trafficking, and towards achieving gender parity. India asked Mongolia to share details on the implementation of the National Food Security Programme and on its experience regarding the functioning of the helpline to assist children in distress.

49. Indonesia welcomed that the national report was the result of an inclusive dialogue involving a wide range of ministries, agencies and NGOs. It expressed the view that further

engagement and dialogues among relevant stakeholders would provide an opportunity to increase common understanding of national objectives and programmes for further enhancement of national initiatives.

50. Iraq appreciated measures undertaken in the area of human rights, including the adoption of legislation aimed at ensuring gender equality and the law against trafficking, as well as for judicial reforms. It also commended Mongolia for efforts to address domestic violence, measures to fight corruption and laws to better protect children. Iraq also welcomed the National Action Plan on disabilities.

51. Ireland welcomed the submission of a voluntary mid-term report, the recent ratification of international human rights instruments and the moratorium on executions imposed in 2010. It encouraged Mongolia to abolish the death penalty in law and in practice. Ireland expressed concern about the absence of comprehensive legislation on discrimination, and about social attitudes towards a number of vulnerable groups. Ireland was concerned by some restrictions on freedom of expression and opinion.

52. Italy welcomed the moratorium on capital executions and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It appreciated the measures undertaken to promote women's rights.

53. Japan commended Mongolia for ratifying various international human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance, as well as for establishing various human rights-related legislation, such as the new Criminal Code. Japan expected a steady implementation of this legislation and the establishment of the rule of law.

54. Kuwait commended Mongolia for all efforts in drafting the report, which testified to the significant progress made since the previous review. It commended in particular efforts to broaden human rights protection, notably the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

55. The Lao People's Democratic Republic was pleased to note that, since the previous universal periodic review, Mongolia had taken steps to implement a large number of accepted recommendations. It appreciated the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, promoting the rights of children and persons with disabilities, enhancing gender equality, ensuring equal access to secondary, high education and vocational training between men and women, and preventing and fighting domestic violence and human trafficking.

56. Latvia commended efforts to combat domestic violence and praised the open national education programme, an important step in allowing people to have access and continue their education no matter their location in the country.

57. Lithuania welcomed progress, namely the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the moratorium on capital punishment since 2010, judicial reform, and in the field of women's empowerment. It remained concerned, however, about the low number of cases of domestic violence dealt with by the judicial system.

58. Malaysia was pleased about efforts and progress made on the training of law enforcement officials, preventing incidence of trafficking and combating domestic violence, which were part of the accepted recommendations by Mongolia during its first universal periodic review. Malaysia acknowledged Mongolia's commitment to preventing and combating domestic violence, although cases had been on the rise from 2010 to 2014.

59. Mexico took note with satisfaction of progress achieved since the first review, highlighting the accession to and ratification of different international human rights treaties. It recognized the actions aimed at strengthening the national legislation in the area of trafficking in persons and independence of the judiciary.

60. Montenegro welcomed efforts to strengthen the institutional and strategic framework for human rights and the ratification of several international human rights treaties. It commended the fact that the President, within the framework of the Criminal Code, set a moratorium on capital punishment in 2010. Making reference to information from the Committee against Torture on 44 persons remaining on death row, Montenegro wished to know if there was any action undertaken in order to commute the capital punishment into life sentences.

61. Morocco noted with appreciation the initiatives undertaken in the fight against trafficking in persons, and gender equality in all sectors of society, in particular the setting of quotas for women's representation in State institutions. Morocco welcomed the accession to the International Convention for the Protection of all Persons from Enforced Disappearances, and the Optional Protocol to the Convention against Torture. Morocco asked for information on initiatives taken for the establishment of national mechanism for the prevention of torture as foreseen by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

62. Namibia was pleased to note the enactment of the Law on Gender Equality 2011 and the subsequent adoption of a Mid-Term Strategy and Action Plan in 2013. Namibia was also pleased to note the moratorium on the death penalty and the submission of the new Criminal Code to the Parliament in July 2014, which removed all provisions relating to the death penalty.

63. Nepal noted with appreciation the enactment of various laws, such as the Law on Gender Equality of 2011, the Law on Combatting Human Trafficking of 2012, the Law on Witness and Victim Protection of 2013, and the Law on Providing Legal Assistance to Indigent Defendants of 2013. Nepal also appreciated measures taken by the Government to combat maternal mortality and child labour, the accession of Mongolia to the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2012 and the de facto moratorium on capital punishment.

64. The Netherlands noted with appreciation Mongolia's increased international activity to promote democratic values, and believed that the organization of the Freedom Online Conference would have a positive effect on rights and freedoms online in Mongolia and the region.

65. The delegation of Mongolia noted the steps taken to abolish the death penalty, specifically the draft Criminal Code currently under review by the Parliament. The delegation further elaborated that all persons who were sentenced to death had been granted a pardon by the President, and would therefore serve a 30-year prison term after which they would be released.

66. The delegation reiterated that torture was a subject of serious concern in Mongolia and acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2011 was one of many efforts by the Government to abolish all torture cases in the country. There were a total of 14 cases of

torture recorded, and as of 2014 two cases had been addressed. Furthermore, the delegation reiterated Mongolia's commitment to incorporating the subject of torture in the educational programme curricular. This provision of torture had already been included for law enforcement officers; however, the curricular for prosecutors should also include the subject of torture.

67. According to the Criminal Code of Mongolia, hate crimes are prohibited based on a religious, sexual, or ethnic basis, and therefore, should such cases take place, the perpetrator would be subject to criminal liability. Despite the lack of records concerning discrimination against LGBT people, the delegation of Mongolia expressed the readiness of law enforcement institutions to provide for the protection and promotion of LGBT people's rights.

68. Mongolia firmly believed that its efforts needed to be enhanced in order to promote the rights of the child within the family. Included within the new family law, there are very strong provisions and clauses that restrict and prohibit corporal punishment of children within the family.

69. Following the enactment of the Human Trafficking Law in 2012, Mongolia reached a new stage in their efforts to combat human trafficking.

70. The delegation of Mongolia explained that the Criminal Code did not allow for detention of a suspect without a special resolution to arrest or detain a suspect issued by a judge or prosecutor. Despite the criticism from the general public concerning cases of unjustified or unlawful arrest or detention of suspects, there were no records of such cases.

71. In Mongolia, domestic violence remained a primary focus, especially in the National Committee on Gender Equality, where numerous activities were conducted in order to create public awareness of the issue, especially among the youth. With the enactment of the revised Domestic Violence Law, Mongolia would be better able to address and tackle domestic violence issues completely, in addition to being equipped with a new method and instrument to deal with the problem. However, regarding liabilities and sanctions of perpetrators of domestic violence, there was a need for more efficient coordination among the domestic laws, especially concerning the mandates of law enforcement agencies.

72. Food security remained a critical issue in Mongolia. Numerous policy documents regarding food and health security in the country had been approved by the Government, including the Food Security National Programme. In addition, 21 provinces, including 8 border crossing points, had established equipped laboratories to ensure food inspection in order to ensure food security according to international standards.

73. The Niger congratulated Mongolia for the adoption of several laws concerning the reform of justice in 2013 and welcomed the ratification of several international instruments, as well as efforts to ensure a better coordination with treaty bodies. As a result, the judiciary would be reinforced in terms of human and material resources, transparency and independence.

74. Norway acknowledged efforts to further enhance the protection of human rights, in particular the adoption and recent ratification of United Nations human rights conventions, and national programmes to protect the rights of women, children and persons with disabilities. It also appreciated efforts to establish a participatory and inclusive process for consultation with civil society for its universal periodic review.

75. Pakistan acknowledged the Government commitment to the adoption of Laws on Gender Equality, Combating Human Trafficking Witness and Victim Protection, as well as Security of Food Products, in the establishment of a legal assistance centre, and administrative measures to protect rights of women and to enhance their participation at the

decision-making level. Pakistan also praised the adoption of National Programme on elimination of intolerable forms of child labour and Children's development.

76. Paraguay welcomed the openness and the work done with the Special Rapporteur on extreme poverty and other mandate holders. Paraguay welcomed the progress in the fight against poverty, the ratification of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the entry into force in 2012 of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty. Paraguay shared its concern regarding domestic violence and encouraged Mongolia to continue making efforts principally for the care of domestic violence victims.

77. The Philippines encouraged the positive actions taken to address gender equality and women's participation in public service. It noted the enactment of the Law on Gender and Equality, and also appreciated efforts to address domestic violence. However, it was concerned about the number of reported domestic violence cases, which remained high. It welcomed the enactment of the Law on Combatting Human Trafficking.

78. Poland welcomed the improvements of the legal environment, the introduction of the Law on Gender Equality, the Law on Combatting Human Trafficking and the Law on Providing Legal Assistance to Indigent Defendants and accession to international treaties. Poland remained concerned about the exploitation of children and their work in hazardous labour conditions.

79. Portugal welcomed the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Portugal noted that, although the Second Optional Protocol to the International Covenant on Civil and Political Rights had been ratified, Mongolia's internal legislation still had not been amended accordingly.

80. The Republic of Korea noted the ratification of and accession to major international human rights instruments and the enactment of new domestic laws and regulations, including the Law on Gender Equality and the National Plan of Action 2012-16 on Eliminating Child Labour. It hoped that those legislative and institutional measures could be fully implemented so as to improve the human rights situation in all areas.

81. The Republic of Moldova commented on the legal and structural changes, implemented since the first review to strengthen protection of human rights, such as the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Republic of Moldova also welcomed the enactment of the Law on Combating Human Trafficking and the adoption of the National Programme on Fighting Domestic Violence.

82. Romania praised Mongolia for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and for the Presidential elections in 2013. Romania took note of the commitment of the Mongolian authorities, as expressed in the national report, to uphold the highest human rights standards.

83. The Russian Federation took note of the steps taken by the Government to protect the rights and freedoms of citizens, and welcomed the reform of the judicial system. It also welcomed the creation of new institutions for the promotion of human rights and accession to international treaties.

84. Rwanda commended Mongolia for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention for the Protection of all Persons from Enforced Disappearances, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or

Punishment. Rwanda further appreciated that women's participation in political life had increased, with the number of elected women Parliament Members rising from 3 to 11 in 2012.

85. Serbia acknowledged the efforts taken to promote and protect human rights since the first universal periodic review cycle. It commended Mongolia for the adoption of the 2004 Law to Combat Domestic Violence.

86. Sierra Leone commended Mongolia for introducing a moratorium on the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It noted measures taken with a view to providing equal access to education as well as adopting the Gender Equality Act. It encouraged Mongolia to adopt the definition of torture and child labour norms in compliance with international standards.

87. Singapore recognized the steps and progress made since the previous review on the improvement of women's rights, reducing maternal morbidity and increasing transparency and accountability in public services.

88. Slovakia welcomed the steps taken to strengthen human rights protection at the national level, in particular by acceding to international treaties. Recognizing efforts aimed to improve the right to access to the information, Slovakia urged the authorities to continue implementing the legislation on media and access to information.

89. Slovenia noted that Mongolia implemented the majority of recommendations from the first universal periodic review cycle, and commended Mongolia for the progress achieved in protecting the rights of persons with disabilities and promoting the right to education. While noting the adoption of the Law on Gender Equality, it expressed concern that gender-based and domestic violence remained a serious problem.

90. Spain congratulated Mongolia on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as establishing a moratorium on the death penalty, and instituting a legal framework for protecting women from violence.

91. Sweden referred to the recommendations made by the United Nations treaty bodies, in particular the Committee on the Rights of the Child, with regard to prohibition of all forms of corporal punishment. It also expressed concern about the human rights situation in *ger* districts.

92. Switzerland welcomed the ratification of international treaties, namely the Minamata Convention on Mercury and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also noted the efforts undertaken to combat domestic violence. However, it regretted the application of defamation law.

93. Thailand commended Mongolia for legislation and initiatives aimed to promote the rights of vulnerable groups. It noted remaining challenges in such areas as discrimination and domestic violence, urging Mongolia to pursue effective implementation of the existing laws.

94. Timor-Leste was pleased to note the progress achieved by Mongolia, in particular the adoption of legislation to combat human trafficking.

95. Turkey congratulated Mongolia for the achievements made in the area of human rights, referring to the abolition of the death penalty and the impressive track record on free

and fair elections. It also noted with satisfaction progress in acceding to international treaties, and efforts to bring legislation in line with international instruments.

96. Turkmenistan welcomed the efforts taken by Mongolia with a view to strengthening legislative and institutional mechanisms for the protection of human rights.

97. The United Kingdom of Great Britain and Northern Ireland recognized the progress made since the previous universal periodic review, including the establishment of a Human Rights Division. It was pleased to note that Mongolia had maintained a moratorium on the death penalty. While welcoming legislative actions taken to criminalize discrimination of minority groups, the United Kingdom encouraged Mongolia to swiftly introduce anti-discrimination legislation to protect minorities.

98. The United States of America was encouraged by Mongolia's leadership in the Freedom Online Coalition and the Community of Democracies and efforts to improve rights of women and persons with disabilities. It was concerned by violence against LGBT persons and excessive penalties attached to defamation lawsuits.

99. Uruguay welcomed the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Second Optional Protocol to the International Covenant on Civil and Political Rights. It also noted that Gender Law was an important mechanism that allowed a prohibition of direct and indirect discrimination.

100. The Bolivarian Republic of Venezuela emphasized the progress achieved since the first universal periodic review cycle, namely acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, the adoption of the Gender Equality Law, and the Law against Trafficking, along with national programmes on anti-human trafficking, as well as efforts aimed at curbing poverty.

101. Algeria noted progress in protecting and promoting human rights and efforts to prevent and combat domestic violence in the framework of the national programme. It also praised Mongolia for reforms in the justice system.

102. The delegation of Mongolia discussed a policy of providing equal access to education for children with disabilities that was stipulated in 35 laws and 20 national programmes, such as the Government Plan of Action 2012–2016 and the Education Master Plan. Moreover, the Government attached high priority to the training of teaching staff, in addition to continuous efforts to increase the salary levels for those who teach children with disabilities. There was also a plan to establish a national education centre for children with disabilities with a budget of US$ 50 million to improve the quality of health and education.

103. Regarding the subject of torture, the delegation of Mongolia stated that the National Police Agency was committed to improving professional qualification, skills and education of its staff on the issue of torture by incorporating in the annual training curricular a mandatory human rights subject. The course focused on ensuring public safety and security, while also ensuring that human rights were upheld. This type of training was conducted in conjunction with organizations such as the National Human Rights Commission and Amnesty International, in order to establish a specialized training programme that would be used to train law enforcement officials in local constituents on the application of human rights principles in investigation and inspection practices. Furthermore, additional measures were conducted to ensure accessibility by the general public, and the monitoring of complaint processes, such as cooperation with citizens' representative institutions, and a smart police website in the Capital City Police Department.

104. Regarding the status of LGBT rights in Mongolia, the delegation stated that the Government had been striving to ensure the rights of LGBT people ever since the first

universal periodic review session. In addition, the delegation highlighted its appreciation for all recommendations concerning the criminal code provision on the elimination of all forms of discrimination of sexual minorities and LGBT people.

105. Referring to the Law on Gender Equality, the delegation discussed a new provision in the Labour code designed to prevent sexual harassment at work in addition to specific liabilities for those who committed this crime. Moreover, the delegation acknowledged the need for new amendments that provided for equality between the roles of family members in the household.

106. On the right to freedom of expression, the delegation highlighted that out of 3 million people in Mongolia, 2 million were Internet users and 1.8 million were smartphone users. Furthermore, citizens of Mongolia had access to all social media and enjoyed the right to express their opinions through social media to the fullest extent.

107. The National Police Agency placed high priority on the safety and security of foreign citizens who were residing temporally or regularly in the country. Moreover, should a foreign citizen face any problems, they had the right to inform the police department within 24 hours to request an investigation, legal counsel, and information for the protection of their rights. In addition, according to the Criminal Procedure Code, foreign citizens residing in Mongolia had the right to speak their native language during the trial process.

II. Conclusions and recommendations**

108. **The following recommendations will be examined by Mongolia which will provide responses in due time, but no later than the 30th session of the Human Rights Council in September 2015:**

108.1 **Lift the declaration of recognizing Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (Estonia);**

108.2 **Take all necessary actions to comply with its obligations as set out in the Second Optional Protocol to the International Covenant on Civil and Political Rights (Namibia);**

108.3 **Amend its legislation in accordance with the Second Optional Protocol to the International Covenant on Civil and Political Rights, in the briefest delay, with the aim of abolishing the death penalty (Portugal);**

108.4 **Ratify the Convention against Torture Articles 21 and 22 (Algeria);**

108.5 **Recognize the competence of the Committee against Torture and make the declaration under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Poland);**

108.6 **Make the declaration regarding Article 22 of the Convention against Torture to recognize the competence of the Committee against Torture to receive individual communications (Denmark);**

108.7 **Establish a robust and well-resourced national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture**

** The conclusions and recommendations have not been edited.

and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic);

108.8 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (Montenegro; Portugal; Thailand);**

108.9 **Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (Paraguay);**

108.10 **Accede to the Convention for the Protection of the Rights of Migrant Workers and Members of Their Families (Uruguay);**

108.11 **Step up the process of ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (Algeria);**

108.12 **Consider ratifying ICRMW and ILO Convention 189 (Philippines);**

108.13 **Consider its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, in order to ensure a comprehensive approach to migrant workers' rights (Indonesia);**

108.14 **Ratify the ICRMW and the Conventions on Refugees and Stateless persons (Sierra Leone);**

108.15 **Positively consider acceding to the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Norway);**

108.16 **Accelerate the process to accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and enact legislation to protect asylum-seekers and refugees regardless of country of origin (Canada);**

108.17 **Fully align its national legislation with the Rome Statute of the ICC and ratify the Agreement on Privileges and Immunities of the Court (Estonia);**

108.18 **Transpose the Rome Statute of the International Criminal Court into national law (Portugal);**

108.19 **Adopt a comprehensive anti-discrimination legislation to avoid all forms of discrimination on the basis of ethnicity, religion, sexual orientation or gender identity, language, political belief, mental or physical disability (Chile);**

108.20 **Adopt comprehensive legislation to counter discrimination, and take steps to ensure that equality enshrined in such legislation or in existing law is achieved in practice (Ireland);**

108.21 **Introduce comprehensive anti-discrimination legislation that would protect the rights of all members of minority groups including LGBT persons (United Kingdom of Great Britain and Northern Ireland);**

108.22 **Accelerate the enactment process of the new Criminal Code (Turkey);**

108.23 **Hasten its positive work on revising the Criminal Code and other necessary legal framework, followed by its effective implementation, to ensure a legal framework and human rights culture that promotes equality and security for all (Norway);**

108.24 **Continue to protect and promote the rights of vulnerable groups of population, including children, the disabled, the elderly and women (Russian Federation);**

108.25 **Revise the law governing the National Human Rights Commission and develop its capacity to bring it in line with the Paris Principles (Sierra Leone);**

108.26 **Continue its efforts in the field of education and human rights training particularly for law enforcement officers (Morocco);**

108.27 **Incorporate training on human rights training and the application of international treaties in the permanent and mandatory training programme for judges and magistrates (Mexico);**

108.28 **Strengthen the mandate of the Commission of Human Rights in view of its full independence and conformity with the Paris Principles (Chile);**

108.29 **Provide greater support to the National Human Rights Commission to ensure its independence (Australia);**

108.30 **Give continuity to strengthening of national human rights institutions and mechanisms (Nepal);**

108.31 **Take the necessary steps to enhance the capacity of the National Human Rights Commission of Mongolia to enable it to carry out its mandate freely and independently for it to comply with the Paris Principles (Namibia);**

108.32 **Improve the work of the National Human Rights Commission with a view to conform it to the Paris Principles, and to reinforce its legal framework to better fight against discrimination. (Niger);**

108.33 **Continue its efforts for further strengthening of human rights institutions for the effective realization of all human rights in the country (Pakistan);**

108.34 **Apply the commitments undertaken under the national legislation for the protection of the most vulnerable citizens, notably children, senior citizens and persons with disabilities (Romania);**

108.35 **Continue efforts for provision of human rights education and training at all levels including for government functionaries (Pakistan);**

108.36 **Examine the possibility for creating a follow up system for international recommendations, including accepted universal periodic review recommendations (Paraguay);**

108.37 **Work on strengthening international cooperation in the field of human rights (Turkmenistan);**

108.38 **Submit its first report to the UN Committee against Torture, which is overdue since 2003, in order to initiate the valuable dialogue with the Committee (Denmark);**

108.39 **Consider further cooperation with the international human rights monitoring mechanisms including treaty bodies and Special procedures of the Human Rights Council (Turkmenistan);**

108.40 **Participate actively in the international programmes of technical assistance and capacity building in the field of human rights (Turkmenistan);**

108.41 **Introduce new legislation to fight discrimination on any grounds (Uruguay);**

108.42 **Adopt a comprehensive law against discrimination on all grounds, including legal protection of victims (Czech Republic);**

108.43 **Further pursue measures for the protection of the rights of women and children (Japan);**

108.44 **Step up its efforts in enhancing the impact of the measures taken to address traditional discriminatory practices and persisting stereotypes about the roles and responsibilities of women and men (Slovenia);**

108.45 **Deepen the actions that ensure the effective implementation and legislation that guarantee the equality and protection of women (Argentina);**

108.46 **Continue its efforts in improving protection of women's rights (Democratic People's Republic of Korea);**

108.47 **Continue to promote gender equality and involvement of women in public services (Lao People's Democratic Republic);**

108.48 **Continue to implement policies that would further encourage women's full and active participation in its society and economy (Singapore);**

108.49 **Consider adopting a national action plan on Security Council Resolution 1325 on Women, Peace and Security (Portugal);**

108.50 **Fight against the hate speeches that provoke racial and ethnical discrimination and to fight against the relevant violence (China);**

108.51 **Take effective measures to combat direct and indirect discrimination against persons living in the *ger* districts (Sweden);**

108.52 **Step up efforts to ensure the protection of foreign nationals from any forms of attacks and to hold offenders accountable (Republic of Korea);**

108.53 **Combat all forms of discrimination, including based on sexual orientation or sexual identity (France);**

108.54 **Develop pertinent legislation to guarantee the effective protection of the human rights of LGBTI persons, as well as undertake impartial investigations on the allegations of attacks against them in accordance with the Special Rapporteur on extreme poverty and human rights (Honduras);**

108.55 **Prohibit all forms of discrimination, including discrimination on the basis of sexual orientation and gender identity (Slovenia);**

108.56 **Ensure that all forms of discrimination are prohibited, including on the basis of sexual orientation, gender identity and health status (Timor-Leste);**

108.57 **Promote equality in the enjoyment of human rights of LGBTI persons incorporating it into national legislation (Uruguay);**

108.58 **Amend its criminal legislation to include crimes of hatred and of discrimination on the grounds of sexual orientation and gender identity (Spain);**

108.59 **Launch a public awareness-raising campaign to fight and prevent discrimination and violence against LGBT persons and to promote tolerance (Brazil);**

108.60 **Step up its efforts to counter discrimination and violence on the basis of sexual orientation or gender identity, and to structurally collect data and provide statistics and information in this regard. (Netherlands);**

108.61 **Adopt quick and effective measures, as well as necessary legislation, in order to explicitly prohibit, prevent, punish and abolish discrimination on any grounds, including on the basis of HIV/AIDS status, as previously recommended (Mexico);**[1]

108.62 **Confirm by law the abolition of the death penalty in line with the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, which Mongolia has ratified (France);**

108.63 **Adopt legislation to explicitly abolish the death penalty (Australia);**

108.64 **Amend the Criminal Code with a view to fully abolish the death penalty (Italy);**

108.65 **Introduce a complete abolition of the death penalty through legal reform (United Kingdom of Great Britain and Northern Ireland);**

108.66 **Review its criminal law legislation to abolish the death penalty in order to reflect its international commitment done by the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Sweden);**

108.67 **Adopt legislation, including a new Criminal Code with the aim of abolishing the death penalty in law (Slovakia);**

108.68 **Abolish *de jure* the death penalty for all crimes (Montenegro);**

108.69 **Abolish the death penalty and provide the families of the executed persons with relevant declassified information (Lithuania);**

108.70 **Declassify State secret information on the death penalty (Portugal);**

108.71 **Incorporate the international framework on the prevention of torture and other cruel, inhuman or degrading treatment in the training of law enforcement officials and other public officials, as well as in the permanent training programme of judges and lawyers (Mexico);**

108.72 **Improve prosecution of all allegations of torture as well as conditions in detention and prison facilities and strengthen legal safeguards available to victims of torture (Czech Republic);**

108.73 **Put in place awareness raising programmes targeting the police forces in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, as well as to create effective investigation mechanisms to combat impunity in this area (France);**

108.74 **Consider the amendment of its Criminal Code in order to include a definition of torture as a crime (Hungary);**

108.75 **Establish an independent mechanism for the investigation of allegations of torture and ill-treatment in line with the requirements of the**

[1] The recommendation as read during the interactive dialogue: "Mexico reiterates its recommendation in the area of non-discrimination from the first cycle UPR of Mongolia."

recently ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Austria);

108.76 **Ensure that torture and ill- treatment by public officials would not be tolerated and that all alleged perpetrators of the acts of torture would be investigated (Timor-Leste);**

108.77 **Establish an independent investigation mechanism for allegations of torture and other cruel and inhuman or degrading treatment committed by police forces and to prevent such violations by public agents (Switzerland);**

108.78 **Ensure that all complaints and reports of torture and other ill-treatment are investigated thoroughly by an independent agency, and that those responsible are held to account. Such investigations should be conducted by personnel who are competent, impartial and independent of the alleged perpetrators and the agency they serve (Sweden);**

108.79 **Strengthen the measures aimed at preventing cases of torture and ill-treatment by public officials, and ensure that all allegations are promptly and thoroughly investigated in order to bring to justice those responsible (Italy);**

108.80 **Continue to take measures to eradicate the use of torture and other forms of ill-treatment, including through training and education of law enforcement authorities (Costa Rica);**

108.81 **Establish judicial and other mechanisms to investigate allegations of torture, police brutality, and arbitrary detention (Canada);**

108.82 **Take appropriate steps to improve the treatment of detainees (Japan);**

108.83 **Adopt legislation to prevent and end all forms of violence against children (Timor-Leste);**

108.84 **Continue active work in combating domestic violence (Belarus);**

108.85 **Step up its efforts to curb the occurrence of domestic violence (Philippines);**

108.86 **Continue to put forward more efforts to eliminate domestic and gender-based violence and discrimination against women and ensure greater representation of women in all sectors of society by fully implementing the Law on Gender Equality (Republic of Korea);**

108.87 **Strengthen efforts to prevent gender-based and domestic violence by criminalizing martial rape and sexual harassment providing victims with access to justice, assistance and protection, and by ensuring that cases are properly investigated and perpetrators duly prosecuted (Slovenia);**

108.88 **Adopt and actively pursue a focused national strategy on combating all forms of violence against women, which would promote awareness – raising activities related to the Law to Combat Domestic Violence (Turkey);**

108.89 **Continue to strengthen protections for domestic violence survivors, and extend an invitation to the Special Rapporteur on violence against women, its causes and consequences to visit Mongolia (United States of America);**

108.90 **Continue its efforts in the field of combating domestic violence (Latvia);**

108.91 **Reinforce mechanisms to detect and investigate cases of domestic violence and train law enforcement officials to deal with such cases (Republic of Moldova);**

108.92 **Effectively implement existing laws in the area of domestic violence and strengthen the prevention activities and protect victims including through the establishment of protection facilities in remote areas (Switzerland);**

108.93 **Pass the draft domestic violence legislation before Parliament to criminalise domestic violence, better protect victims and ensure perpetrators are prosecuted (Australia);**

108.94 **Strengthen mechanisms to prevent domestic violence, particularly, focusing on awareness-raising to heighten awareness of this issue (Spain);**

108.95 **Remove barriers in accessing legal remedies against domestic violence including by improving the collaboration between relevant institutions and revisiting evidentiary requirements , and to ensure that restraining orders are enforced (Austria);**

108.96 **Improve access of victims of domestic violence to effective protection and redress, strengthen the capacity for prosecution of perpetrators of domestic violence and criminalize marital rape (Czech Republic);**

108.97 **Ensure the effective implementation of the existing legislation aimed at fighting discrimination and violence against women and domestic violence (Italy);**

108.98 **Consider wider establishment of shelter houses for women and children seeking protection from domestic violence (Malaysia);**

108.99 **Continue to strengthen national legislation to combat domestic violence (Russian Federation);**

108.100 **Develop a well-defined legal framework to prevent and combat violence against women and build a social protection system for victims of domestic violence (Serbia);**

108.101 **Amend the criminal legislation to criminalize domestic violence and ensure that authorities pursue prosecution of domestic violence to hold offenders accountable and provide adequate funding of all services for victims of domestic violence (Slovakia);**

108.102 **Modify criminal legislation to ensure that domestic violence becomes a crime (Spain);**

108.103 **Adopt the revised Law against Domestic Violence, enhance awareness -raising campaigns about domestic violence, and expand services and protection for victims (Canada);**

108.104 **Consider criminalising domestic violence, sexual harassment and ensuring that perpetrators are duly prosecuted (Hungary);**

108.105 **Adopt legislative measures to make domestic violence a crime, understanding all forms of violence in the home, including threats, sexual harassment and sexual abuse, and ensure that perpetrators are brought to justice and that victims receive care, including in the rural areas (Paraguay);**

108.106 **Explicitly prohibit corporal punishment to children in accordance with the recommendations of CAT (Chile);**

108.107 **Explicitly prohibit all corporal punishment of children, including in the home (Sweden);**

108.108 **Take steps to effectively prevent child labour and protect children from exploitation, especially from work in hazardous labour conditions (Germany);**

108.109 **Strengthen the implementation of the National Plan of Action 2012-2016 on Eliminating the Intolerable Forms of Child Labour and to consider follow-up mechanisms (Italy);**

108.110 **Enhance the efforts to combat child labour and ensure that children do not work in hazardous labour conditions, including artisanal (informal) mines (Italy);**

108.111 **Continue its efforts in combating child labour, as well as including by bringing the employers to justice, and to introduce new non-violent forms of discipline for children at home and in schools (Lithuania);**

108.112 **Explore strategies to combat child labour (Norway);**

108.113 **Combat child labour, including by criminalizing employers who exploit child labour and bringing them to justice (Poland);**

108.114 **Continue efforts to ensure that children are protected from all forms of violence and exploitation, particularly from child labour in hazardous conditions (Republic of Korea);**

108.115 **Continue its efforts in the field of the protection of child rights (Morocco);**

108.116 **Improve the enforcement of the Law on Combating Trafficking in persons by strengthening the capacity of law enforcement to detect and prosecute perpetrators, and by expanding services for victims (Canada);**

108.117 **Implement the Law on Combating Human Trafficking of 2012 and strengthen the law enforcement and the judicial system, in order to ensure effective investigation and prosecution of perpetrators and to prevent trafficking (Brazil);**

108.118 **Criminalize all forms of human trafficking of children by enacting the strict anti-trafficking legislation (Sierra Leone);**

108.119 **Enhance measures in combatting trafficking in person, particularly women and children, through proper investigation and prosecution in all cases of human trafficking (Malaysia);**

108.120 **Allocate all necessary human and material resources to combat the trafficking of persons (Honduras);**

108.121 **Take budgetary, administrative and legislative measures to guarantee access to witnesses and victims of trafficking in persons to legal aid, protection and rehabilitation services (Mexico);**

108.122 **Continue to provide adequate human and other resources to its anti-human trafficking programmes (Philippines);**

108.123 **Provide training to stakeholders involved in the administration and delivery of justice, to prosecute trafficking in persons pursuant to the new regulating framework, article 113 of the Criminal Code, especially to ensure investigation of all allegations of trafficking in persons, including those against**

law enforcement officials and to implement mechanisms for compensation and rehabilitation of victims (Mexico);

108.124 **Continue the reform of the judicial system in line with Mongolia's international commitments (Russian Federation);**

108.125 **Further improve access to the legal aid through the established centres in all provinces by providing them with necessary financing and qualified human resources (Lithuania);**

108.126 **Ensure independent and effective investigations in cases of torture and ill-treatment in order to combat impunity in such cases, and to ensure that victims of torture obtain adequate compensation and rehabilitation (Germany);**

108.127 **Ensure that all perpetrators are prosecuted and victims have access to immediate redress and protection (Lithuania);**

108.128 **Establish a comprehensive framework on juvenile justice which is in conformity with international standards (Sierra Leone);**

108.129 **Continue to take steps to prevent and fight corruption to bring about equitable and sustainable growth for its people (Singapore);**

108.130 **Investigate all cases of corruption in the judicial system (Lithuania);**

108.131 **Harmonise its national legislation regarding freedom of expression with the International Covenant on Civil and Political Rights, and ensure the independence of the Regulations Commission of Communications (Switzerland);**

108.132 **Ensure that laws and regulations related to freedom of expression fully comply with Mongolia's obligations under the International Covenant on Civil and Political Rights and consider decriminalizing defamation (United States of America);**

108.133 **Guarantee freedom of expression, including in the Internet (France);**

108.134 **Ensure full respect of human rights, including the right to privacy and the right to freedom of expression, in all aspects of internet regulation, and adherence of any restrictions of those rights to the principles of legality, necessity and proportionality (Germany);**

108.135 **Ensure that journalists, media workers as well as civil society activists are able to practice their activities freely without any fear for punishment in accordance with international standards (Estonia);**

108.136 **Decriminalize defamation and put in place safeguards ensuring that criticism of or reporting on the activities of state and regional authorities do not lead to persecution or harassment (Czech Republic);**

108.137 **Decriminalise defamation and place it under the civil code in accordance with international human rights standards (Ireland);**

108.138 **Ensure that criminal defamation law is not used to silence critics, and to protect journalists' sources and whistle-blowers (Austria);**

108.139 **Implement a national plan of action that would strengthen the participation of women in the decision-making level of politics (Serbia);**

108.140 **Strengthen its efforts to include women in decision-making processes and high level positions, and to ensure the inclusion of disabled persons in education and employment (Norway);**

108.141 **Intensify its efforts in increasing women's representation in decision-making positions (Rwanda);**

108.142 **Take measures to ensure participation of women in politics, including through affirmative action and quota requirements (Costa Rica);**

108.143 **Continue strengthening successful social programmes to improve the quality of life of their people particularly the most marginalized (Bolivarian Republic of Venezuela);**

108.144 **Undertake the necessary measures to ensure sustainable development in its urban centres, ensuring that there is basic public services for the most vulnerable people, particularly, migrants coming from rural areas (Spain);**

108.145 **Consider strengthening the delivery of primary health care with national and subnational health systems, to expand coverage and access; and to address the challenges related to the health system (Bhutan);**

108.146 **Continue efforts to promote the rights of women and children, and address the still high level of maternal mortality (Nepal);**

108.147 **Continue its efforts to reduce maternal morbidity (Democratic People's Republic of Korea);**

108.148 **Continue its efforts in taking practical steps to further reduce the rates of maternal morbidity, particularly in the rural areas (Singapore);**

108.149 **Continue making efforts to reduce disparities in infant mortality rates between rural and urban areas in the country (Honduras);**

108.150 **Continue improving the "One Mongolia" open national education programme (Latvia);**

108.151 **Continue its efforts in order to ensure the right to education for all children (Romania);**

108.152 **Redouble its efforts in finalizing the Draft Law on the Rights of Persons with Disabilities to guarantee the promotion and protection of rights of disabled persons, in particular to ensure their participation, to increase their employment, and to enhance their rights to education (Indonesia);**

108.153 **Continue its efforts in favour of persons with disabilities (Argentina);**

108.154 **Adopt specific legislation to address all kinds of discrimination, particularly taking into account the rights of persons with disabilities and older persons (Turkey);**

108.155 **Increase the input in education and give importance to the inclusive education for disabled children to ensure their healthy development (China);**

108.156 **Ensure equal access to education for children with disabilities, by improving public perception on their rights (Turkey);**

108.157 **Continue to strengthen educational system and ensuring equal access of disabled children to education (Lao People's Democratic Republic);**

108.158 **Consider giving special attention to the rights of women and girls with disabilities, including their reproductive rights, the right to be free from violence, to work, to receive education and to participate in decision-making (Thailand);**

108.159 **Provide adequate protection to asylum seekers as required by relevant international norms including the principle of *non-refoulement* and to consider ratifying the Convention on Refugees (Republic of Korea);**

108.160 **Work together with UNHCR ensuring that the asylum-seekers have access to their rights, particularly in compliance with the principle of *non-refoulement* (Uruguay);**

108.161 **Consider the ratification of the Minamata Convention and update article 4.1.23 of the Law on Minerals of Mongolia, which applies to small-scale mining, to secure mining rights to small-scale miners and formalize their operation as soon as possible (Hungary);**

108.162 **Develop a National Action Plan on business and human rights, for the implementation of the UN Guiding Principles on Business and Human Rights, with special attention for the situation of nomadic herders and access to remedy (Netherlands);**

108.163 **Join the Voluntary Principles on Security and Human Rights Initiative in order to promote respect for human rights in the provision of security for extractive industry activities (United States of America);**

108.164 **Elaborate and implement a national action plan on the use of mercury in the artisanal mining sector in order to protect the health of workers involved in the work of this sector as well as the environment (Switzerland).**

109. **All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of Mongolia was headed by Mr. Tsogoo Ugangerel, Vice Minister of Justice and composed of the following members:

- Mr. Erdenebat Ganbat, Deputy Prosecutor of General Prosecutor's Office of Mongolia
- Mr. Ankhbayar Nyamdorj, Head of the Human Rights Division of the Department of International Legal Affairs of the Ministry of Foreign Affairs
- Ms. Nyamsuvd Batmagnai, Officer of the Foreign Relations Division of the Ministry of Population Development and Social Welfare
- Mr. Badarch Gungaa, Head of the Foreign Relations Division of the General Police Department
- Ms. Bolormaa Mashlai, Secretary of the National Committee on Equality
- Ms. Gantuya Dulaanjargal, Officer of the Treaty, Law and Foreign Relations Department of the Ministry of Justice
- Ms. Khaliun Dalantai, Translator

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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Mongolia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Mongolia's views on recommendations

1. Mongolia welcomes recommendations which received during the second cycle of the Universal Periodic Report and hereby provides its views on the recommendations to be included in the report. The Government of Mongolia has carefully considered all recommendations together with national NGOs and other stakeholders in determining its views on each of 164 recommendations.

2. Mongolia accepted 150 recommendations and does not accept 14 recommendations. The unacceptable recommendations are 1, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 81 and 159 in order listed on the Report of the Working Group. An approach of integrated reasoning for unacceptance is taken as the recommendations overlap.

Recommendation No 1

3. Mongolia fully supports the work and competence of the Human rights treaty bodies. The Government will simultaneously consider recognizing the competence of the Committee on the Elimination of Racial Discrimination under Article 14 of the Convention and the competence of the Committee against Torture under Articles 21 and 22 of the Convention against Torture at an appropriate time in the future.

Recommendations No 4, 5 and 6

4. Mongolia ratified the Optional Protocol to the Convention against Torture in 2014 and will assign the National Human Rights Commission of Mongolia with the function of the national preventive mechanism by revising its law. Our priority until the next cycle is to focus on the successful implementation of the OPCAT and to commence the cooperation with the Subcommittee on Prevention of Torture in addition to continued enforcement of measures to address the issues of torture reflected in other relevant recommendations made during the second review.

5. As noted above, the Government will submit the proposal to recognize the competence of the Committees under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture to the Parliament at the same time in the future.

Recommendations No 9, 10, 11, 12, 13 and 14

6. Mongolia is a state party to all core international human rights treaties and conventions except the International Convention on the Rights of All Migrant Workers and Members of their Families. Research and surveys to study the possibility of acceding to the Convention were undertaken by relevant authorities and agencies. The Government of Mongolia would like to see more countries, especially those recipient countries of foreign workers, including Mongolians to accede to the Convention and then to consider the possibility of becoming a state party.

7. Although a domestic work is non-traditional form of employment in Mongolia, the Government will study the possibility of ratifying the ILO 189 Domestic Workers Convention.

Recommendations No 14, 16 and 159

8. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol have always been in careful consideration by the relevant authorities and agencies. Strongly coupled with the national security policy of the State, a decision to accede these instruments is ultimately a matter for the Parliament of Mongolia and cannot be considered at this time. Surveys and research works are carried out to this end but further analyses should also be done.

9. The Government will further study the possibility of introducing a specific regulation to provide working guidelines for relevant authorities in promoting and protecting the rights of asylum-seekers and will continue to work together with UNHCR ensuring that asylum-seekers have access to their rights, particularly in compliance with the principle of non-refoulement.

Recommendations No 14 and 15

10. In Mongolia, a stateless person enjoys the same rights and freedoms as foreign nationals. Nationality and citizenship of a child born from a stateless person is regulated by the Law on Citizenship and Nationality. The national security policy also requires maintaining appropriate balance of foreign nationals, stateless persons and migrants in the country. These laws and policy documents fully support the rights of stateless persons under the Convention relating to the Status of Stateless Person and the Convention on the Reduction of Statelessness.

Recommendation No 81

11. Mongolia is committed to strengthen its efforts to investigate all allegations of torture and police brutality. National legislation in force prohibits an arbitrary detention of persons by law enforcement officials as such action has to be approved by the judge. Thus, the recommendation is unacceptable.

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Report of the Working Group on the Universal Periodic Review*

Panama

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	5
II.	Conclusions and recommendations	13
Annex		
	Composition of the delegation	21

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-second session from 4 to 15 May 2015. The review of Panama was held at the 5th meeting, on 6 May 2015. The delegation of Panama was headed by the Minister of Labour and Labour Market Development, Luis Ernesto Carles. At its 10th meeting, held on 8 May 2015, the Working Group adopted the report on Panama.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Panama: Germany, Ghana and the Russian Federation.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Panama:

(a) A national report (A/HRC/WG.6/22/PAN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/HRC/WG.6/22/PAN/2);

(c) A summary prepared by OHCHR (A/HRC/WG.6/22/PAN/3).

4. A list of questions prepared in advance by Belgium, Germany, Liechtenstein, Mexico, Spain, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Panama through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation began its presentation indicating that the universal periodic review had been an opportunity to assess the human rights progress in Panama and listen to the recommendations of the international community.

6. In less than one year in office, the Government had taken steps towards the full implementation of the human rights obligations of Panama in the areas of freedom of expression, relations with unions and indigenous peoples, the procedure for determining refugee status and matters related to transparency and accountability.

7. The Government had focused its efforts on institution-building through a strategy that included the ratification of human rights instruments, the harmonization of national legislation with international obligations, the establishment and renewal of institutions and the implementation of public policies aimed at achieving that goal.

8. One of the commitments undertaken by Panama during its first review was to transform the inter-institutional commission set up to prepare its national report into a standing body. In July 2012, by executive decree, the national standing commission for monitoring and ensuring compliance with the human rights commitments of Panama at the national and international level was established. The commission held consultations with key civil society organizations working on human rights for the drafting of the national report for the second review.

9. Also, a subcommission was created to set up the national mechanism for the prevention of torture, also with civil society participation. The subcommission agreed that the national mechanism would be a new independent institution created by law.

10. The delegation added that, in compliance with universal periodic review commitments, Panama had ratified the convention on statelessness, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO). Likewise, Panama had accepted the competence of the Committee on the Elimination of Racial Discrimination to receive individual petitions. The debate regarding the ratification of ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) was ongoing within a recently established working group comprising representatives of the Government and of indigenous peoples.

11. Moreover, under the standing invitation to special procedures mandate holders, Panama had received visits from the Rapporteur on the rights of indigenous peoples and the Working Group of Experts on People of African Descent.

12. The delegation acknowledged that some reports before the United Nations treaty bodies remained pending. The aforementioned standing human rights commission would draft a workplan to address this issue in the near future.

13. The delegation considered that the fight against discrimination should begin by acknowledging its existence. The Government had recognized the persistence of cultural and social attitudes that tended to discriminate against certain groups. In this context, to address the absence of statistical data relating to persons of African descent and the indigenous population, the 2010 census included the option for respondents to self-identify as Afro-descendant or indigenous. Additionally, the Government had adopted extensive legislation on affirmative action to protect the lands, culture and institutions of indigenous peoples. Also, electoral districts had been designed to facilitate the election of indigenous representatives to the National Assembly. The delegation acknowledged, however, that the enactment of comprehensive legislation prohibiting discrimination on any ground, including race and ethnicity, was still pending.

14. Regarding the rights of indigenous peoples, the delegation recalled the restoration of the repealed articles of the General Environmental Law granting indigenous people rights over natural resources on the lands they inhabit, the adoption of legislation on the protection of traditional medicines and the right to consultation, and the recent legislative restoration of the free and informed consent of indigenous peoples in relation to measures affecting them. The delegation recognized, however, that the indigenous population continued to have the highest rates of poverty and extreme poverty. Therefore, the Government was preparing a comprehensive development plan with the participation of indigenous peoples.

15. The delegation indicated that the Government had requested the United Nations High Commissioner for Human Rights to provide technical assistance aimed at training the police in the proper use of force and incorporating in the curriculum of the police institute a human rights approach.

16. The delegation acknowledged that serious human rights violations were committed during the events of 6–10 July 2010 in Changuinola. Law 144/2015, which was adopted with the consent of the concerned persons, established a series of measures for providing redress to the victims. Furthermore, during the public enactment of the Law, the President of Panama, Juan Carlos Varela, apologized on behalf of the State to the victims and people affected by the events.

17. On violence against women, Panama adopted in 2013 a law that criminalized femicide. The State has also taken steps for the implementation of this law, including the appointment of a special prosecutor and the creation and regulation of the National Committee on Violence against Women. The delegation noted, however, that the regulation implementing the law, still pending, would need to be drafted in the near future.

18. On the issue of trafficking, measures had been taken to ensure the adequate care of victims in the context of judicial proceedings. Also, the number of specialized trainings had increased for staff in the police, the prosecutors' offices, the judiciary, the migration office and the health and education ministries. The delegation committed itself to the prompt adoption of the regulation implementing Law 79/2011, to the provision of a budget to the National Commission against Trafficking in Persons and to the building of a shelter for victims of human trafficking, in accordance with international standards.

19. Also, as part of a comprehensive public safety policy, the Government was implementing a safe neighbourhoods programme aimed at addressing criminal activity involving gangs through processes and spaces of social integration for young people who belonged to or remained close to them.

20. Regarding refugees, the National Assembly passed Law 74/2013 permitting refugees to apply for residence after three years of living on Panamanian soil. The Government has also improved the process for determining refugee status so that it is in accordance with international standards. In addition, the delegation committed itself to the prompt adoption of a decree regulating the mechanism to determine statelessness.

21. On immigration, the Government had continued its policy of openness by regularizing the situation of 57,652 foreigners between 2010 and 2014. The delegation recognized that currently the conditions in migration shelters were not adequate. Consequently, the Government was committed to building a new women's shelter with the infrastructure necessary to ensure appropriate treatment. Similarly, the conditions in the men's shelter were being improved.

22. The delegation acknowledged the need for measures to ensure the independence and impartiality of judges. The National Assembly was debating a bill to establish a judicial career and, with the support of civil society, the executive branch had submitted to Congress a bill on community justice.

23. With regard to the rights of children, the delegation reported that the Government had recently adopted legislation to raise to 18 years the legal minimum age for marriage and had set up an inter-institutional commission to prepare a draft law on the protection of the rights of children and adolescents.

24. The delegation added that a ministry for the environment had recently been established to face the challenge of guaranteeing the right to a healthy environment.

25. The delegation reiterated the commitment of Panama to continue to promote compliance with its human rights obligations and take positive measures to ensure the conditions necessary for the full enjoyment of the human rights of every person living in the country.

B. Interactive dialogue and responses by the State under review

26. During the interactive dialogue, 49 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report.

27. Ecuador acknowledged efforts made since the first universal periodic review, particularly the ratification of the Optional Protocol to the Convention against Torture, the

Convention relating to the Status of Stateless Persons and the International Convention for the Protection of All Persons from Enforced Disappearance. It highlighted the adoption of laws on benefits for persons with disabilities and the "El Solca" software, which permits such persons to be independent in the areas of education, work and social life. Ecuador made recommendations.

28. El Salvador recognized the commitment of Panama to the universal periodic review and the breadth of civil society participation in the preparation process. It welcomed the importance given by Panama to the implementation of public policies on the administration of justice, citizen security, trafficking in persons and equal opportunities for women, among others. It underscored the main advances made on issues such as persons deprived of liberty, children, indigenous peoples, refugees, migrants, persons with disabilities and Afro-descendants.

29. The Bolivarian Republic of Venezuela valued the efforts of Panama to implement previously accepted recommendations. It highlighted the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention against Torture, as well as the decrease in the unemployment rate and extreme poverty, and measures adopted to ensure adequate housing for poor families. It made a recommendation.

30. France welcomed the implementation of many of the recommendations Panama received during the first review. It noted the establishment of a commission responsible for monitoring the implementation of review-related recommendations, and the creation of the Ombudsman's Office and the National Secretariat of Childhood, Adolescence and Family. France made recommendations.

31. Georgia welcomed the ratification of the Optional Protocol to the Convention against Torture and the Convention relating to the Status of Stateless Persons, commended Panama for extending a standing invitation to the special procedures mandate holders and welcomed the establishment of the national standing commission to ensure compliance with and follow-up to human rights obligations. It also commended Panama for its efforts regarding domestic violence. Georgia made a recommendation.

32. Germany noted with appreciation the positive developments, in particular in the fields of the rule of law, the fight against corruption, media freedom, privacy and torture prevention. Germany remained concerned about persistent human rights violations in other areas and encouraged Panama to make further efforts, particularly with regard to the situation in detention facilities, domestic violence and the rights of marginalized groups. Germany made recommendations.

33. Ghana commended Panama for the creation of the Anti-Discrimination Unit, which deals with cases of racial discrimination against indigenous and Afro-descendant populations, and considered the provision of legal assistance by the office of free legal aid to crime victims, particularly women, a step in the right direction. It noted various innovative steps to render effective judicial services to handle expeditiously a backlog of cases. Ghana made recommendations.

34. Guatemala welcomed the creation of the national standing Commission to ensure compliance and follow-up on national and international human rights commitments. It highlighted advances on gender equality, such as the adoption of laws to criminalize femicide and laws on trafficking in persons and female sterilization, and the adoption of a public policy on equal opportunities for women. Guatemala made a recommendation.

35. Honduras welcomed legislative changes and measures taken to strengthen the justice system, the inclusion of persons from vulnerable groups and the reduction of poverty and inequality. It praised the transparency showed by Panama in recognizing the existence of

racial discrimination in the country, as well as the vulnerable condition of persons with disabilities and the actions taken to deal with those situations. Honduras made recommendations.

36. Indonesia welcomed the fact that the report of Panama was the result of an inclusive dialogue involving a wide range of ministries, agencies, parliamentarians, academics, human rights experts and civil society organizations. It appreciated the establishment of the Ombudsman's Office and the national standing commission on human rights and commended efforts to improve the migration policy and combat trafficking in persons. Indonesia made recommendations.

37. Ireland welcomed the ratification of several international human rights instruments, the introduction of legislation on indigenous peoples and steps to improve the functioning of the judiciary. Ireland was concerned about reports of pervasive discrimination against indigenous, ethnic and sexual minorities resulting in denial of their rights to political participation and access to employment and basic services. It noted with great concern reports of restrictions on freedom of assembly and association, in particular with regard to trade unions. Ireland made recommendations.

38. Italy noted with appreciation the measures mentioned in the national report aimed at addressing discrimination against lesbian, gay, bisexual, transgender and intersex people and encouraged the Panamanian authorities to keep tackling this issue. It welcomed the development of human rights education programmes in schools as a cross-cutting issue. Italy made recommendations.

39. Mexico underscored the open invitation to special procedures mandate holders and noted with satisfaction that a process of inter-institutional consultations with the participation of civil society had started for the preparation of the report. It acknowledged advances made since the previous review, particularly the creation of the national standing commission to follow up on international human rights commitments. Mexico made recommendations.

40. Montenegro welcomed the establishment of the national standing commission on human rights and asked Panama to elaborate on progress achieved in fulfilling its international commitments since the establishment of the new body. It noted the progress made towards achieving gender equality and asked Panama to elaborate on results achieved in the implementation of measures aimed at eliminating all forms of violence against women. Montenegro made recommendations.

41. Namibia welcomed the efforts of Panama in respect of the Ombudsman's Office, the prison training academy, the national coalition for development, the national human rights commission, the State policy on equal opportunities for women and the implementation of the action plan for 2015–2019. It made recommendations.

42. The Netherlands welcomed the effort of the Government, the private sector and the National Council of Private Enterprise to reduce child labour. It noted the ratification of the Optional Protocol to the Convention against Torture and welcomed the draft bill to better define the principle of equality in the Constitution. It noted with concern the prison system and anti-discrimination legislation. The Netherlands made recommendations.

43. Nicaragua highlighted advances within the judicial system through the adoption of the law on judicial careers and the human rights training programmes for the national police. It underscored advances regarding gender, such as the criminalization of femicide and trafficking of persons and the adoption of a public policy on equal opportunities for women. Nicaragua made recommendations.

44. Paraguay appreciated the achievement of universal enrolment in primary education and legislation enacted in 2010 establishing the right of indigenous peoples to bilingual and

intercultural education. It welcomed the work of the national standing commission on human rights. It also welcomed the ratification of the Optional Protocol to the Convention against Torture and encouraged Panama to continue its efforts to strengthen the national prevention mechanism against torture. Paraguay made recommendations.

45. Peru highlighted advances such as the establishment of the national standing commission on human rights, the creation of a vice-ministry for indigenous affairs, the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons from Enforced Disappearance and the open invitation made to all special procedures mandate holders of the Human Rights Council. Peru made recommendations.

46. The Philippines welcomed the establishment of the national human rights institution, the recognition of the existence of racial discrimination against Afro-descendants, the increased labour participation of women, the improvements in legislation relating to human trafficking and the ratification of several core international human conventions. The Philippines made recommendations.

47. Portugal welcomed steps taken to protect human rights since the first review, such as the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance and the accession to the two conventions on statelessness. It was concerned, however, about the high levels of violence against women and children. Portugal made recommendations.

48. Romania congratulated Panama for progress made concerning fulfilment of the Millennium Development Goals, in particular on extreme poverty, and for the establishment of a national human rights institution. It made recommendations.

49. Rwanda welcomed the establishment of a national standing commission to ensure compliance with and follow-up on human rights obligations, its policy on equal opportunities for women and the reduction of poverty. Rwanda made recommendations.

50. Sierra Leone welcomed the conditional cash transfer and welfare programmes. It noted with concern the disparities between indigenous and non-indigenous communities regarding political participation. It urged Panama to enforce indigenous rights regarding political participation, establish a national policy that protects and promotes the rights of children and improve access to health care and education in rural areas and within indigenous communities. Sierra Leone made recommendations.

51. The Panamanian delegation indicated that its Government would soon approve the amendments to the Rome Statute of the International Criminal Court on the crime of aggression and on article 8. Moreover, the Government was preparing the necessary declarations to accept the competence of the Committee against Torture and the Human Rights Committee to receive individual communications regarding Panama.

52. The delegation outlined a series of social programmes that had been developed by the Government to fulfil its commitment on social inclusion for all citizens. The Government was persuaded that the incorporation of a human rights approach in the strategies on poverty reduction and development in general would strengthen them.

53. Panama has committed itself to generating statistics on the situation of persons with disabilities, to guide the drafting of public policies. The delegation also detailed a number of additional measures to ensure respect for the rights of persons with disabilities.

54. Singapore welcomed the laws criminalizing femicide, implementing the State policy on equal opportunities for women, halving the population living on $1 a day and increasing health standards. It noted with concern the wage gap between men and women. Singapore made recommendations.

55. Slovenia welcomed the criminalization of femicide and the commitment to preventing torture. It noted with concern the lack of efforts to eliminate the practice of making women take pregnancy tests to gain employment. It encouraged Panama to establish an effective national preventive mechanism that complies with the Optional Protocol to the Convention against Torture and to take measures to abolish the practice of employment-related pregnancy tests. Slovenia made recommendations.

56. Spain congratulated Panama for ratifying the Optional Protocol to the Convention against Torture, the Convention relating to the Status of Stateless Persons and the International Convention for the Protection of All Persons from Enforced Disappearance and for extending a standing invitation to the special procedures mandate holders of the universal and regional systems. Spain expressed concern for the unsafe and unsanitary living conditions of persons deprived of liberty. Spain made recommendations.

57. Sweden noted that the Family Code and the Civil Code provided for the "right to correct" children by using corporal punishment. It stated that child labour was common in Panama, mostly in the agricultural and informal sectors, and that indigenous children were overrepresented. Many children ended school early to contribute to the family income. Sweden made recommendations.

58. Thailand welcomed the ratification of the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the establishment of both the Ombudsman's Office and the national human rights commission. It congratulated the Government on criminalizing femicide, the laws on trafficking in persons, female sterilization and the State policy on equal opportunities for women. It made recommendations.

59. Timor-Leste commended efforts to promote women's rights by amending the Criminal Code to criminalize femicide and punish violence against women. It noted, however, that the numbers of such crimes remained high. Timor-Leste also commended the special unit within the national police to investigate sexual offences. It made recommendations.

60. Trinidad and Tobago commended several programmes aimed at promoting and protecting human rights by building public awareness on the matter. It also commended efforts to protect women, children and adolescents. Trinidad and Tobago noted existing discrimination against indigenous and Afro-descendant peoples, and acknowledged the establishment of the Anti-Discrimination Unit. It made a recommendation.

61. Ukraine noted the establishment in 2012 of the standing committee to ensure compliance with and follow-up to the national and international human rights commitments of Panama and encouraged the Government to take measures to further strengthen that mechanism. Ukraine made recommendations.

62. The United Kingdom recognized the progress made in preventing ill-treatment, the criminal justice system and pretrial detention. With respect to the ratification of the Optional Protocol to the Convention against Torture, it urged Panama to establish a national preventive mechanism. Concerns remained over the compliance with legislation on indigenous peoples' rights and about prison overcrowding. The United Kingdom encouraged applying the adversarial criminal justice system and including in the Constitution language on sexual and gender-based discrimination. It made recommendations.

63. The United States of America welcomed the commitment to ratify human rights agreements and promote equal opportunities for women. Despite the justice system reforms, it noted the length of pretrial detention and prison overcrowding. It commended steps to combat forced labour and trafficking for sex, and encouraged identifying and

protecting victims. It noted the limited rights of asylum seekers, urging Panama to provide them with rapid access to education and basic services. It made recommendations.

64. Uruguay highlighted the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance, and urged to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It welcomed the standing invitation issued by Panama to the universal and regional special procedures mandate holders, as a sign of its commitment to human rights. It commended the establishment of the national standing commission on human rights. It made recommendations.

65. Algeria welcomed the harmonization of the national legal framework with human rights commitments. It mentioned, in particular, the adoption of a law on human trafficking and legislation protecting and strengthening the status of women. Algeria made recommendations.

66. Angola welcomed the implementation of measures to protect refugees and victims of sexual exploitation, particularly women and children. It acknowledged the progress made to combat poverty, trafficking in persons and unemployment and to protect juveniles' rights. Angola was concerned by the inhuman detention conditions and by the integration of minorities, namely Afro-descendants. It made recommendations.

67. Argentina welcomed the ratification of the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention relating to the Status of Stateless Persons. It urged Panama to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Argentina congratulated Panama for the provision of economic assistance for the events occurred in Bocas del Toro in 2010. It made recommendations.

68. Australia welcomed recent legal reforms to improve the judiciary, including the move from an inquisitorial to an accusatory system. It remained concerned about the prison conditions, particularly overcrowding, lack of adequate medical services and prolonged pretrial detention. It also remained concerned that indigenous people continue to be disadvantaged in accessing basic services, education and health. Australia made recommendations.

69. Barbados welcomed the establishment of the Ombudsman's Office and believed that it could complement the work of the national human rights commission, which follows up on the human rights obligations of Panama. It added that a coordinated approach to the conceptualization of human rights policies would strengthen the human rights architecture. It noted that the national report recognized the need to enact comprehensive anti-discrimination legislation and called upon Panama to focus on bringing all racial and ethnic groups into the mainstream for a more inclusive society.

70. Belgium acknowledged the progress achieved since the previous review, particularly in the fight against impunity, the fight against all forms of discrimination, freedom of expression, children's rights and women's rights. It expressed concern, however, regarding the situation of women and girls and emphasized that, according to official sources, 200 femicides had been committed between 2009 and 2013. Belgium made recommendations.

71. Brazil acknowledged the progress made on poverty and inequality mitigation, universal education, gender equality and the prevention of violence against women. Discrimination against Afro-descendent and indigenous communities remained a challenge.

and no provision defined acts of racial discrimination. Brazil stressed its previous recommendation that Panama ratify ILO Convention No. 169. It asked about strategies for the birth registration of indigenous, migrant and refuge children. Brazil urged Panama to adopt legislation on children's and adolescent's rights, and to protect lesbian, gay, bisexual, transgender and intersex persons. It made recommendations.

72. Canada applauded the passing of Law 82/2013 defining the murder of women by their spouses as an offence and penalizing violence against women. It also welcomed the implementation of the new adversarial criminal justice system and encouraged Panama to implement it in the whole country. Canada made recommendations.

73. Chile acknowledged the progress made by Panama, particularly towards the eradication of violence against women, such as the criminalization of femicide. It noted the development of a criminal accusatory system and the adoption of legislation on indigenous peoples' rights. The integration of children and juveniles in conflict with the law should be a priority. Chile made recommendations.

74. China commended Panama for strengthening human rights mechanisms, training prison staff on the issue of torture, improving access to justice through the judicial facilitators programme, providing legal support, increasing resources for education, promoting gender equality, increasing women's employment and protecting their right to education and protecting the rights of children and people of disabilities. China made recommendations.

75. Colombia highlighted the commitment of Panama to human rights and its efforts to implement the recommendations arising from the first review, in particular with regard to the protection of vulnerable groups and access to health care. It took note of the action plan on Afro-descendants. Colombia made recommendations.

76. Costa Rica highlighted the progress achieved by Panama and noted the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. It acknowledged that some measures were being taken to harmonize domestic legislation with international commitments and requested additional information on the commission that would monitor compliance with human rights commitments. It made recommendations.

77. Cuba highlighted the preparation of the national report with the participation of the Government, academia, experts and civil society. It acknowledged progress in implementing the national plan for the prevention of sexual exploitation, gender equality, the reform of the prison system and meeting the target of reducing by half the proportion of the population living on less than $1 a day. Cuba made recommendations.

78. Morocco welcomed the institutional and legislative measures taken by the Government for the implementation of the framework for the promotion and protection of human rights, including the harmonization of the minimum age of marriage, the creation of a national mechanism for the prevention of torture, the adoption of a law establishing a comprehensive system of child protection and the creation of a shelter for victims of trafficking.

79. The delegation of Panama, responding to questions sent in advance, noted that the Government had been implementing a prison reform since 2010 to reduce overcrowding, train personnel and enhance respect for the human rights of detainees. To this end, in 2011 the prison training academy was reopened and the working conditions of the prison staff were being improved. The Government was also committed to adopting a law to professionalize the prison service.

80. Likewise, 45 per cent of convicted persons deprived of their liberty were classified and the separation of pretrial from convicted detainees was ongoing. Although the

Government was aware that constructing prisons did not by itself solve the problems of the system, it considered it necessary to improve the prison infrastructure to ensure respect for the human rights of detainees. In this regard, the "Nueva Joya" penitentiary, with a capacity of more than 5,000 detainees, was about to open.

81. With regard to women deprived of their liberty, the Government had made a diagnosis from a gender and rights perspective and had designed a special programme to assist women in situations of confinement. In the case of juvenile detainees, the Government had given priority to providing them with comprehensive care and improving the infrastructure.

82. With regard to the rights of indigenous peoples, the Government was working on a comprehensive development plan in consultation with indigenous authorities. The plan had three components: political, economic and social. The political one was aimed at strengthening the traditional indigenous structures and authorities. The economic component sought to reduce poverty levels and improve the economic conditions of indigenous peoples by strengthening their production and traditional economic structures. The social axis sought to implement specific programmes to improve the levels of education, culture, health, housing and infrastructure in indigenous territories.

83. With regard to the implementation of the adversarial criminal justice system, its application would be extended to a third judicial district, out of four, in September 2015. By September 2016, the system should be in place throughout the country. According to official statistics, the duration of court proceedings applying the new justice system had decreased by 63 per cent and the use of preventive detention had fallen by 60-70 per cent.

84. Regarding the questions and recommendations on actions taken to reduce violence against women, Panama had developed regulations, plans, policies and programmes to provide assistance to women facing various forms of violence.

85. The comprehensive centres for guidance and care of the Ministry of Social Development provided free, comprehensive and specialized care, psychosocial counselling and legal advice. The National Institute for Women also provided psychosocial and legal support to women victims of domestic and other forms of violence through an interdisciplinary team. Local networks to fight violence against women had also been created, many of them with the support from entities of the United Nations system. Staff working in the judiciary had also been trained, especially officers in contact with women victims and alleged perpetrators.

86. The delegation emphasized that Panama was implementing a public policy on equal opportunities for women. An inter-institutional plan was being elaborated, with wide participation of civil society, to implement the policy.

87. The statistics system had been strengthened and updated with a gender perspective, and projects for rural women were being carried out to provide access to advice, training and credit, with the aim of promoting economic empowerment.

88. Panama thanked the delegations that had intervened during the interactive dialogue in an open and constructive manner on issues that were of interest to the international community and that affected the human rights of the Panamanian people.

89. In closing, the delegation manifested that, since 2010, the Government had worked on the implementation of the recommendations it received during its first review. It recognized that the work was not over. The delegation reiterated the Government's commitment to protecting human rights. The recommendations received during the second universal periodic review would provide guidance and support to improve the culture of coexistence and understanding, the cornerstones of the promotion of human rights, and contribute to strengthening Panamanian democracy.

II. Conclusions and recommendations**

90. **The recommendations formulated during the interactive dialogue listed below have been examined by Panama and enjoy the support of Panama:**

90.1 **Consider ratifying or acceding to ILO Convention No. 169 on indigenous and tribal peoples in independent countries. Peru is ready to share its experience on this issue with Panama (Peru);**

90.2 **Ratify ILO Convention No. 169 (Chile);**

90.3 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

90.4 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);**

90.5 **Continue its efforts for the full implementation of the Convention against Torture (Indonesia);**

90.6 **Fully align its national legislation with the Rome Statute of the International Criminal Court (Montenegro);**

90.7 **Fully align its national legislation with the Rome Statute of the International Criminal Court (Slovenia);**

90.8 **Implement the Rome Statute of the International Criminal Court into national law (Portugal);**

90.9 **Bring its national legislation in line with the Rome Statute of the International Criminal Court and, in particular, incorporate the necessary provisions to fully cooperate with the Court when it comes to investigating and prosecuting for genocide, crimes against humanity and war crimes in its national courts (Spain);**

90.10 **Take all necessary measures to ensure that its national legislation and policies are brought in line with the obligations as set out in the Convention on the Elimination of All Forms of Discrimination against Women, and to adequately fund the institutions responsible for implementation of this framework (Namibia);**

90.11 **Enhance efforts to ensure the protection of children's rights, as outlined in the Convention on the Rights of the Child and its Optional Protocols (Italy);**

90.12. **Adopt legislation on comprehensive protection of children's and adolescents' rights (Montenegro);**

90.13 **Continue efforts to enact a law on the comprehensive protection of the rights of the child (Peru);**

90.14 **Consider amending its legal provisions to further ensure protection of children's rights, especially by raising the minimum working age in agricultural and domestic service (Thailand);**

90.15 **Repeal the constitutional provision making it possible to refuse naturalization on the grounds of physical and/or mental disability (Mexico);**

** The conclusions and recommendations have not been edited.

90.16 **Step up actions to strengthen the national mechanism for the prevention of torture (Paraguay);**

90.17 **Conclude the drafting and adoption of the national preventive mechanism against torture and other ill-treatment in accordance with the Optional Protocol to the Convention against Torture (United Kingdom of Great Britain and Northern Ireland);**

90.18 **Establish a national mechanism for the prevention of torture, in line with the Optional Protocol to the Convention against Torture (Brazil);**

90.19 **Strengthen the system for monitoring international recommendations, by giving the permanent national commission sufficient resources to carry out its mission (Paraguay);**

90.20 **Establish a mechanism to create an effective system for the protection of children (Angola);**

90.21 **Consider developing human rights indicators as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);**

90.22 **Continue efforts aimed at promoting the rights of children, in particular children belonging to indigenous groups and children with disabilities and HIV/AIDS (Ukraine);**

90.23 **Submit its overdue reports to the treaty bodies (Ghana);**

90.24 **Submit its overdue reports to the relevant treaty bodies (Sierra Leone);**

90.25 **Strengthen the ongoing efforts in promoting women's rights (Timor-Leste);**

90.26 **Strengthen the institutions in the field of women's rights and organize training, sensitization and awareness-raising activities on the matter (Uruguay);**

90.27 **Continue working on its national policy on equal opportunities for women in order to enhance their participation and empowerment in public processes (Nicaragua);**

90.28 **Consider reviewing its labour laws with a view to addressing the wage gap between women and men and the elusive opportunities for working women to occupy leadership and decision-making positions (Philippines);**

90.29 **Take further steps to achieve gender equality through ensuring equal opportunity in the workplace (Singapore);**

90.30 **Continue efforts to increase women's representation in decision-making positions on an equal footing with men (Rwanda);**

90.31 **Adopt public policies to achieve the full political and economic participation of women in Panamanian society (Chile);**

90.32 **Take steps to increase the participation of women in politics, including through the implementation of measures on affirmative action or quotas (Costa Rica);**

90.33 **Continue initiatives aimed at promoting the participation of women, and continue literacy efforts, particularly for indigenous women (Ecuador);**

90.34 **Ensure the equal treatment and non-discrimination of all children, irrespective of their ethnicity, including equal opportunity to access education at the same level (Namibia);**

90.35 **Continue efforts in the fight against discrimination in all areas, paying special attention to vulnerable groups (Nicaragua);**

90.36 **Adopt a legislative framework to fight racism and discrimination, and implement educational, social and economic public policies to prevent discrimination (France);**

90.37 **Adopt legislation prohibiting discrimination on all grounds including race and ethnicity (Ghana);**

90.38 **Enact comprehensive anti-discrimination legislation prohibiting discrimination on all grounds (Brazil);**

90.39 **Bring its legislation into conformity with its commitment to equality and non-discrimination, including by prohibiting discrimination based on sexual orientation (Canada);**

90.40 **Adopt and implement comprehensive anti-discrimination legislation which prohibits discrimination on all grounds, including on the basis of race, ethnicity, sexual orientation and gender identity (Ireland);**

90.41 **Adopt comprehensive anti-discrimination legislation, including on the basis of sexual orientation and gender identity (Netherlands);**

90.42 **Adopt legislation prohibiting acts of discrimination on the grounds of sexual orientation and gender identity, and adopt measures to promote the rights of lesbian, gay, bisexual, transgender and intersex people and prevent their discrimination (Chile);**

90.43 **Adopt the necessary judicial and administrative measures to ensure effectively the investigation and punishment of cases of discriminatory treatment by law enforcement officers, in particular against lesbian, gay, bisexual, transgender and intersex people (Argentina);**

90.44 **Include sexual orientation and gender identity and expression among the prohibited grounds of discrimination (Uruguay);**

90.45 **Increase efforts to protect the rights of indigenous people and persons of African descent, including by adopting and strengthening tailored programmes to reduce poverty and discrimination among these groups (Germany);**

90.46 **Intensify its efforts to deal with discrimination to ensure that indigenous peoples and people of African descent fully enjoy economic, social and cultural rights, as enshrined in the Universal Declaration on Human Rights (Trinidad and Tobago);**

90.47 **Ensure equal access to the enjoyment of rights such as education, health, political participation, access to justice and integration into the labour market for indigenous and Afro-descendant populations (Uruguay);**

90.48 **Take all necessary measures, including awareness-raising and education, as well as legislative measures, to eliminate discrimination against Afro-Panamanian people (Namibia);**

90.49 **Intensify efforts to ensure the realization of the human rights of Afro-descendant populations (Rwanda);**

90.50 **Enforce laws which further ensure the integration and socioeconomic participation of Afro-Panamanians and other people of African descent (Sierra Leone);**

90.51 **Continue to adopt legislative and policy measures to fight racial discrimination against persons of African descent (Algeria);**

90.52 **Adopt public policies aimed at the full integration of persons of African descent that incorporate measures to prevent stigmatization, racial discrimination and xenophobia (Chile);**

90.53 **Take appropriate legislative and public policy measures with a view of continuing the promotion of the rights of Afro-Panamanians and the fight against racism and xenophobia (Colombia);**

90.54 **Enact anti-discrimination laws which would better protect the rights of indigenous communities (Sierra Leone);**

90.55 **Increase efforts and resources to reduce the gap between indigenous people and other Panamanians in terms of access to health, education and economic development (Timor-Leste);**

90.56 **Adopt measures to curb ill-treatment meted out by police officers to persons deprived of their civil liberties (Ghana);**

90.57 **Take steps to put an end to overcrowding in detention facilities, including by ensuring compliance with the requirements established in article 10 of the International Covenant on Civil and Political Rights and application of the Standard Minimum Rules for the Treatment of Prisoners (Germany);**

90.58 **Step up its efforts to ease overcrowding in the prison system and especially look for alternative non-custodial measures for adolescents (Netherlands);**

90.59 **Continue to take steps to improve overall living conditions for prisoners (Australia);**

90.60 **Continue adopting measures to respect and protect the rights and human dignity of detainees (China);**

90.61 **Continue to implement the process of penitentiary reform based on the three pillars established by the Government (Cuba);**

90.62 **Continue the implementation of laws to combat violence and discrimination against women (France);**

90.63 **Take additional measures to protect victims of domestic violence through effective implementation of its legislation (Georgia);**

90.64 **Increase protection for women victims of domestic violence by implementing the existing legislation, investigating and punishing the perpetrators, creating a sufficient number of shelters and providing police protection (Germany);**

90.65 **Strictly apply without delay Law No. 82/2013, which criminalizes violence against women (Ghana);**

90.66 **Take all necessary measures to ensure that Law No. 82/2013, punishing acts of violence against women, is quickly followed by an implementing regulation, and that protocols are developed to guarantee its proper enforcement (Belgium);**

90.67 **Ensure prompt and effective implementation of the legislation to eliminate violence against women (Slovenia);**

90.68 **Continue with the efforts to combat violence against women through increased institutional coordination permitting the effective punishment of crimes of violence against women and comprehensive assistance to women victims (Spain);**

90.69 **Take measures to ensure the effective implementation of legislation to eliminate violence against women, including by thorough investigation and prosecution (Canada);**

90.70 **Take further measures to prevent the murder of women by their partners, prosecute perpetrators and improve awareness of the issue (Canada);**

90.71 **Effectively implement existing legislation and provide enough resources for the investigation and punishment of crimes of violence against women (Chile);**

90.72 **Take all adequate measures to promptly eliminate all forms of violence against women and children, including abuse and neglect of children (Portugal);**

90.73 **Take further measures to combat gender-based violence, trafficking in women and girls and sexual exploitation (Ukraine);**

90.74 **Eliminate all forms of violence against children by adopting proper legislation and ensure its implementation (Slovenia);**

90.75 **Explicitly prohibit all corporal punishment of children in all settings, including in the home, and repeal the power to "correct" in the Family Code and the Civil Code (Sweden);**

90.76 **Increase the availability of specialized services for the victims of forced labour and trafficking for sex, in partnership with civil society, including by implementing the dedicated victim assistance fund as required by law (United States of America);**

90.77 **Take appropriate measures to end illegal child labour, not least concerning indigenous children (Sweden);**

90.78 **Strengthen the fight against trafficking in human beings, in particular women, by implementing educational and awareness-raising campaigns and enhancing support measures available to victims (Italy);**

90.79 **Continue to provide adequate human and other resources to its anti-human trafficking programmes (Philippines);**

90.80 **Adopt measures to guarantee the independence of the judiciary (Romania);**

90.81 **Continue its efforts to strengthen the independence of the judiciary at both the legal and implementing levels (Belgium);**

90.82 **Continue the reforms aimed at limiting the use of preventive detention and implement a uniform penal system (France);**

90.83 **Take steps to end lengthy pretrial detention and reduce prison overcrowding, such as by increasing the number of court hearings per week and fully implementing pending reforms to the justice system (United States of America);**

90.84 **Implement the adversarial criminal justice system throughout Panama (United Kingdom of Great Britain and Northern Ireland);**

90.85 **Continue to expand the new accusatory system to those provinces and districts where the system is not yet in place (Australia);**

90.86 **Continue implementing throughout the country the criminal accusatory system, ensuring the same criminal procedure for the whole population (Chile);**

90.87 **Continue proceedings to expedite the trials of detainees with all the guarantees and to improve the living conditions of the prison population (Spain);**

90.88 **Bring the juvenile criminal justice in line with international standards (Chile);**

90.89 **Strengthen the necessary measures to fight impunity for the authors of the events occurred in Bocas del Toro in 2010 (Argentina);**

90.90 **Adopt administrative, budgetary, legislative and awareness-raising measures that ensure the right to birth registration of children of indigenous or African origin and from rural areas (Mexico);**

90.91 **Adopt measures to guarantee birth registration of its citizens (Romania);**

90.92 **Intensify its efforts to ensure birth registration for everyone, especially children and adolescents in rural areas (Thailand);**

90.93 **Fully respect its international obligations regarding the freedoms of assembly and association, in particular with regard to the activities of trade unions, and ensure that its national legislation complies with these obligations (Ireland);**

90.94 **Take steps to ensure that Law No. 14/2010 does not affect the rights of assembly and demonstration enshrined in international instruments (Costa Rica);**

90.95 **Take appropriate measures to abolish the illegal practice of making women take pregnancy test to gain employment, as previously recommended (Slovenia);**

90.96 **Strengthen the social policies aimed at integrating minorities into the labour market (Angola);**

90.97 **Continue strengthening its policies and social programmes in order to increase the standard of living of its people, in particular of the most excluded groups (Bolivarian Republic of Venezuela);**

90.98 **Continue to implement sustainable policies to alleviate poverty and increase employment opportunities (Singapore);**

90.99 **Continue the implementation of measures and strategies to directly, temporarily and comprehensively alleviate the immediate needs of households in extreme poverty (Cuba);**

90.100 **Give priority to measures that may guarantee access to safe drinking water for all citizens (Uruguay);**

90.101 **Continue its efforts to increase access to health services and strengthen the delivery of high-quality health care (Singapore);**

90.102 **Continue the efforts to promote the right to health, in particular by giving priority to primary health care and by strengthening the attention paid to mental health problems. Likewise, promote the right to health of persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons (Colombia);**

90.103 **Extend education services to rural zones and guarantee access for all persons to a quality education without distinction, including persons belonging to indigenous and Afro-descendant communities, in order to reduce inequality in the country (Honduras);**

90.104 **Take the necessary measures to ensure access to education for all, in particular for populations in remote zones (Algeria);**

90.105 **Continue increasing inputs in education to effectively protect the right to education for the people of Panama, including indigenous people (China);**

90.106 **Continue promoting the right to education, in particular access to education for boys and girls from Afro-Panamanian, indigenous, rural and migrant communities (Colombia);**

90.107 **Consider incorporating human rights programmes in the Panamanian system of education (Peru);**

90.108 **Continue taking all necessary measures to incorporate the rights of disabled persons in all aspects of public policies, including by strengthening the national secretariat for persons with disabilities to standardize protocols and guidelines for the implementation of rehabilitation services at the national level (Honduras);**

90.109 **Take appropriate measures to meet the needs of indigenous and rural populations that still have clear difficulties to access to safe drinking water and sanitation (Spain);**

90.110 **Continue to work to reduce the levels of poverty in indigenous communities (Australia);**

90.111 **Take all measures to ensure that indigenous children can fully exercise their rights and establish support programmes for migrant children (Honduras).**

91. **The recommendations below did not enjoy the support of country Panama and would thus be noted:**

91.1 **Continue working on the adoption of those international instruments to which it is not State party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);**

91.2 **Continue its efforts to ensure a comprehensive approach to migrant workers' rights by considering its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

91.3 **Consider ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Peru);**

91.4 **Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);**

91.5 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

91.6 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 169 (Guatemala);**

91.7 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);**

91.8 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Paraguay);**

91.9 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189 (Philippines);**

91.10 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 169 (Sierra Leone);**

91.11 **Adopt a legislative framework for the protection of children, in particular by raising the minimum age of marriage and the age of criminal responsibility (France);**

91.12 **Implement a national policy on children's rights including the amendment of legislation on juvenile justice and immediately address the reduction of preventive detention for persons under 18 and the harmonization of the age of criminal liability in accordance with the Convention on the Rights of the Child (Mexico);**

91.13 **Increase the minimum age of marriage and of criminal responsibility in line with international standards (Italy);**

91.14 **Adopt legislation prohibiting all forms of discrimination, including on the grounds of sexual orientation and gender identity, and abolish all provisions of Executive Decree No. 204/1997 determining homosexuality as a serious misconduct for members of the national police (Slovenia).**

92. **All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of Panama was headed by Mr. Luis Ernesto Carles, Minister of Labour and Labour Market Development, and composed of the following members:

- Ms. María Luisa Navarro, Vice Minister of Multilateral Affairs and Cooperation, Ministry of Foreign Affairs
- Ms. María Luisa Romero, Vice Minister of Government
- Mr. Giancarlo Soler Torrijos, Ambassador, Permanent Representative
- Mr. Alejandro Mendoza Gantes, Counsellor of the Permanent Mission
- Mr. Jorge Félix Corrales H., Political Counsellor of the Permanent Mission
- Ms. Gisela de León, Advisor to the Vice Minister of Government
- Mr. Alfredo Castillero, Advisor to the Minister of Public Safety
- Ms. Diana de Coronado, Director of Government Affairs, Ministry of the Presidency
- Ms. Carmen Visuetti, Attorney of the General Secretariat, the Attorney General's Office
- Mr. Portugal Falcón Moreno, Chief of the Department of Social Development, General Directorate for International Organizations and Conferences, Ministry of Foreign Affairs
- Mr. Cosme Moreno, Director of Legal Affairs, Ministry of Social Development
- Ms. Cristina Quiel Canto, Attorney of the Supreme Court
- Ms. Linda Díaz, Attorney of the Supreme Court
- Mr. Rorix Núñez Morales, Director of the Office of International Technical Cooperation, Ministry of Labour and Labour Market Development
- Ms. Ana Arosemena Ramos, Attaché of the Permanent Mission